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**Security Council
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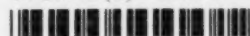
Measures to eliminate international terrorism

**Identical letters dated 4 January 2004 from the Chargé d'affaires
a.i. of the Permanent Mission of the Sudan to the United Nations
addressed to the Secretary-General and the President of the
Security Council**

Upon instructions from my Government, I have the honour to enclose herewith the letter dated 4 January 2004 from Mustafa Osman Ismail, Minister for Foreign Affairs of the Sudan, concerning the incitement, support and training by Eritrea of the outlaws in Darfur region (western Sudan) as part of Eritrea's continuous attempts to destabilize the Sudan and the ongoing peace process (see annex). In that regard, I would like to refer you to the previous complaints of my Government against Eritrea addressed to the Security Council.

I would highly appreciate it if you could circulate the present letter and its annex as a document of the fifty-eighth session of the General Assembly, under agenda item 156, and of the Security Council.

(Signed) Omer B. Manis
Chargé d'affaires a.i.



**Annex to the identical letters dated 4 January 2004 from the
Chargé d'affaires a.i. of the Permanent Mission of the Sudan
addressed to the Secretary-General and the President of the
Security Council**

[Original: Arabic]
4 January 2004

In accordance with our obligations and responsibilities, with our faith in the principles of collective security and the peaceful settlement of disputes and with all the provisions of the Charter of the United Nations, we should like to draw your kind attention to the fact that the State of Eritrea continues with its regrettable attitude of seeking to undermine security and stability in the Sudan.

In keeping with our above-mentioned obligations, we have diligently informed you of the attacks perpetrated by Eritrea against the Sudan along the latter's eastern borders. In this regard, I should like to refer to our letter dated 7 October 2002 addressed to the President of the Security Council and concerning Eritrean attacks carried out against the Sudan on 3 October 2002 (document S/2002/1117).

It is clear that the Government of Eritrea persists in its reckless conduct, its hostile attitude and its disregard for the principles of good-neighbourliness, peaceful coexistence and the peaceful settlement of disputes between nations.

Eritrea was vexed by the Sudan's determination to achieve peace and secure a final and lasting settlement to the domestic conflict in the Sudan, a determination that won the full support of the United Nations and the entire international community, as well as the direct support of the Intergovernmental Authority on Development (IGAD). The prospects for the settlement look promising and we expect to reap the benefits therefrom in the near future.

The Government of Eritrea therefore decided to enlist the help of armed groups of outlaws operating in the Darfur region of Western Sudan, groups that can be classified as terrorist groups. It made contact with them, set up camps to train their members, hosted their leaders, provided them with encouragement and funding, supplied them with arms and furnished them with Eritrean travel documents to facilitate their movements. The Government of the Sudan has evidence to show that Eritrea is training the outlaws and providing them with support, encouragement and funding. The public statements of officials in Eritrea furthermore confirm their involvement in these activities.

We are in no doubt that everyone agrees with us that, by these regrettable acts of hostility, Eritrea is seeking to hamper the current peace efforts in the Sudan and collective international support for those efforts. The actions of the Eritrean Government are nothing but a malicious and hostile attempt to undermine the sincere and tireless endeavours that the Sudan has made and continues to make, both internally and in cooperation with the entire international community, to build confidence with armed and non-armed opposition groups in the Darfur region. This attempt at sabotage is entirely consistent with the hostile attitude that the Government of Eritrea has adopted, since it was established to the present time, towards all of its neighbours, without exception, and shows its determination to undermine security and stability in the Horn of Africa.

The ruling junta in Eritrea has never distanced itself from its bloody past of suppressing freedoms, violating human rights and physically eliminating its opponents. This is why it is isolated today from the prevailing international trend of rejecting violence in international relations, combating terrorism and terrorists and refusing to provide them with safe havens, training and funding. By its actions, Eritrea has made it possible for terrorists to attack peaceful civilians in Eastern and Western Sudan and to terrorize them, steal their property, burn their villages and deny those affected by those incidents in that region access to emergency aid.

The Government of the Sudan wishes to draw attention to the gravity of these hostile practices, which are characterized by an arrogant determination to undermine security and stability in the Sudan, and to their adverse consequences for security and peace in the region as a whole. It calls on you to take the appropriate measures to discharge the responsibilities of the United Nations for the maintenance of international security and peace.

(Signed) Mustafa Osman **Ismail**
Minister for Foreign Affairs



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The situation in the Middle East

Report of the Special Committee to Investigate Israeli
Practices Affecting the Human Rights of the Palestinian
People and Other Arabs of the Occupied Territories

Identical letters dated 5 January 2004 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On 29 December 2003 the Israeli Government gave its authorization for the construction of nine new settlements in the occupied Syrian Golan and for the expansion of existing Israeli settlements in that area. The Israeli Ministerial Committee for Settlements, in announcing this decision, confirmed that \$60 million would be allocated for the implementation of the project, which aims at doubling the number of settlers in Israeli-occupied Syrian territory. An Israeli Government Minister furthermore announced that "the Golan is an integral part of Israel".

This provocative decision by Israel comes just a few weeks after the initiative launched by President Bashar al-Asad, the President of the Syrian Arab Republic, to restart peace negotiations between Syria and Israel with a view to achieving a just and comprehensive peace in the region. It coincides with Syria's launching, on behalf of the League of Arab States, of another initiative aimed at ridding the Middle East region of weapons of mass destruction. It is also curious that this Israeli decision should come after the adoption by an overwhelming majority of the General Assembly, at its fifty-eighth session, of two resolutions calling on Israel to put an end to its illegal occupation of the Syrian Golan. The resolutions furthermore call on Israel to desist from changing the physical character, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements. The resolutions reaffirm that Israel's occupation and de facto annexation of the Syrian Golan constitutes a stumbling block in the way of achieving a just and comprehensive peace in the region.



Israel's policies and its ongoing defiance of the basic principles of international law and of the relevant United Nations resolutions, particularly Security Council resolution 497 (1981) which considers Israeli's annexation of the Golan to be null and void and lacking in any basis in international law, constitute a fundamental obstacle to the international efforts made since the peace process was launched at the Madrid Conference in 1991 to achieve the goal of peace. These Israeli decisions reveal the real objectives of the Israeli leadership, which are incompatible with the aims of establishing such a peace. Decisions such as these prove that Israel's true objective could not be further removed from the quest for a just and comprehensive solution in the region and that Israel's efforts are in fact solely devoted to further expansion of its settlements at the expense of the Arab territories and the rights of the owners of those territories, who have been forcibly uprooted and exiled for over 36 years.

This deplorable decision, which violates international law, together with Israel's ongoing construction of the wall on the Occupied Palestinian Territory are striking examples of Israel's policies of seeking to create new facts on the ground in order to consolidate the occupation and sabotage any efforts at establishing peace in the region. It goes without saying that peace is incompatible with occupation and with any steps to consolidate occupation.

Such expansionist and colonialist decisions will only serve to increase the determination of Syria and its people to regain all of their territory that has been occupied by Israel since 1967. The Israeli people must understand that their Government, by involving them in such decisions, will only inflict on them, their children and the peoples of the entire region further losses and more conflict and instability. They must realize that the only way of guaranteeing peace and security is for Israel to withdraw from the Syrian Golan to the line of June 1967 and from the Palestinian Territory, as well as the remainder of the occupied Lebanese territories.

The way to achieve a just and comprehensive peace is clear and enjoys international consensus. It lies with the implementation of the relevant Security Council resolutions 242 (1967) and 338 (1973), of the principle of land for peace and of the peace initiative adopted at the Arab Summit held at Beirut in March 2002. The steps that Israel has taken and continues to take to consolidate its occupation of the occupied Arab territories and to increase the number of settlements and settlers are only an obstacle to any solution aimed at restoring the rights of those deprived of them and of achieving security and peace for all.

Syria once again calls on the Secretary-General of the United Nations and the Security Council to condemn these new Israeli policies in the strongest terms. Syria calls on the States Members of the United Nations, particularly those countries with the power to influence Israel, to shoulder their responsibilities for the maintenance of international peace and security by bringing the necessary pressure to bear on the Israeli Government to rescind these grave and reckless decisions, to pursue the path of peace and to respond to Arab initiatives for the resumption of the peace process.

(Signed) Fayssal Mekdad
Ambassador
Permanent Representative



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Fifty-eighth session

Agenda item 32

Question of the Falkland Islands (Malvinas)

Letter dated 5 January 2004 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith the text of a press release issued on 3 January 2004 by the Government of the Argentine Republic on the occasion of the latest anniversary of the illegal occupation of the Malvinas Islands by the United Kingdom of Great Britain and Northern Ireland (see annex).

I should be grateful if you would arrange for this note and its annex to be circulated as a document of the General Assembly under agenda item 32, the question of the Falkland Islands (Malvinas).

(Signed) César Mayoral
Ambassador
Permanent Representative designate



Annex to the letter dated 5 January 2004 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

On 3 January 1833, British forces occupied the Malvinas Islands, forcibly expelling their inhabitants and the Argentine authorities legitimately established there.

Today, on the 171st anniversary of that illegal occupation, which is still continuing, the Argentine people and Government reaffirm once again the inalienable sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime areas.

Likewise, the Argentine Government recalls the permanent and steadfast objective of the Argentine people, enshrined in the National Constitution, to recover the full exercise of sovereignty over the above-mentioned territories and maritime areas through peaceful means for the settlement of disputes in accordance with international law, respecting the way of life and the interests of the inhabitants of the Malvinas Islands.

The Argentine Government reiterates the need to comply with the numerous resolutions of the United Nations and declarations of the Organization of American States calling for the resumption of bilateral negotiations in order to find, as speedily as possible, a peaceful, just and lasting solution to the sovereignty dispute, recalls its constant readiness to resume such negotiations immediately, and exhorts the Government of the United Kingdom to demonstrate, without further delay, the same readiness to act in accordance with those appeals.

Buenos Aires, 3 January 2004



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**General Assembly
Fifty-eighth session
Agenda item 37
The situation in the Middle East**

**Security Council
Fifty-ninth year**

**Letter dated 7 January 2004 from the Chargé d'affaires a.i. of the
Permanent Mission of Lebanon to the United Nations addressed to
the Secretary-General**

On instructions from my Government, I have the honour to transmit to you herewith a general statistical table showing the number of Israeli violations committed from the month of May 2000 to the end of 2003, as well as a statistical table showing the number of Israeli violations committed during the month of December 2003 (see annex).

The nature and number of these repeated, unjustified and inexcusable Israeli violations and acts of aggression against Lebanon's sovereignty confirm Israel's premeditated intention to threaten and provoke and to disrupt security and stability in order to serve its aggressive, expansionist objectives throughout the region.

In drawing your attention to the gravity and possible consequences of these acts of aggression, I request that this letter of complaint be circulated as a document of the General Assembly, under agenda item 37, and of the Security Council.

(Signed) Hisam Diyab
Chargé d'affaires a.i.



**Annex to the letter dated 7 January 2004 from the Chargé
d'affaires a.i. of the Permanent Mission of Lebanon to the United
Nations addressed to the Secretary-General**

**General statistical table showing the number of Israeli violations
committed from the month of May 2000 to the end of 2003**

Year	In the air				At sea	On the ground				Total
	Jet fighters	Reconnaissance aircraft	Helicopters	Total	Violations of territorial waters and launching of flares	Military attacks	Field violations	Infringements		
2000	87	34	28	149	11	24	21	12	200	
2001	346	68	45	459	39	10	19	22	500	
2002	212	128	38	378	49	19	30	16	400	
2003	237	210	87	534	157	21	85	47	800	
Total	882	440	198	1 520	256	74	155	97	2 100	

**Statistical table showing the number of Israeli violations
committed during December 2003**

In the air				At sea	On the ground			Total previ- ous month	
Jet fighters	Reconnaissance aircraft	Helicopters	Total	Violation of territorial waters, shelling and launching of flares over territorial waters	Military attacks	Field violations	Infringements		
					Air raids, artillery bombardments, bombardment of military positions and important sites, assault and murders of civilians	Shooting, dropping of artillery shells, infiltration and illegal crossing of international borders	Threats and drawing of weapons, earthmoving and placement of concertina wire inside Lebanese territory		
13	13	4	30	22	2	24	6	84	1



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Security Council
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**Consequences of the Iraqi occupation of and
aggression against Kuwait**

The situation in the Middle East

Question of Palestine

**Sustainable development and international
economic cooperation**

**Measures to eliminate international
terrorism**

**Letter dated 6 January 2004 from the Chargé d'affaires a.i. of the
Permanent Mission of Kuwait to the United Nations addressed
to the Secretary-General**

I have the honour to transmit to you herewith the texts of the closing statement and of the Kuwait Declaration that were adopted by the Supreme Council of the Gulf Cooperation Council at its twenty-fourth session held in the State of Kuwait, on 21-22 December 2003, under the chairmanship of His Highness Sheikh Jaber Al-Ahmad Al-Jabar Al-Sabah, Emir of the State of Kuwait (see annex).

I should be grateful if you would ensure that this letter and its annexes are circulated as a document of the General Assembly under agenda items 35, 37, 38, 93 and 156, and of the Security Council.

Accept, Sir, the assurances of my highest consideration.

(Signed) Mansour Ayyad Al-Otaibi
Chargé d'affaires a.i.



**Annex I to the letter dated 6 January 2004 from the Chargé
d'affaires a.i. of the Permanent Mission of Kuwait addressed to
the Secretary-General**

The Kuwait Declaration

**Issued by the Supreme Council of the Gulf Cooperation Council at
its twenty-fifth session**

The Supreme Council of the Gulf Cooperation Council, having regard to the lofty purposes, principles and aims of the Charter of the Gulf Cooperation Council and the common ties between the peoples it represents, recognizing the importance and significance of the current phase through which our Gulf Arab region is passing, as well as the rapid political changes it is experiencing and the great challenges they pose, pursuant to the statements, declarations and resolutions issued by the Supreme Council at its previous sessions, the Council, at its twenty-fourth session held in the State of Kuwait on 27 and 28 Shawwal A.H. 1424, corresponding to 21 and 22 December A.D. 2003, reviewed the work done by the Council in various different sectors and conducted an in-depth analysis of all issues and subjects of concern to the States members of the Council and their peoples in the light of developments in the Arab region and in the international arena.

The Supreme Council, expressing its appreciation for the implementation measures taken by the States members in accordance with the Supreme Council's resolutions aimed at promoting and strengthening relations between the States members in a variety of domains with a view to achieving economic integration among them, hereby affirms the following:

1. The importance of adopting the requisite decisions and practical measures to begin implementing the objectives of the comprehensive development strategy adopted by the Supreme Council at its nineteenth session held at Abu Dhabi. The launching of the process of reform and unification of the educational systems of the State members, in accordance with the terms of the document submitted by His Royal Highness Prince Abdullah Abd al-Aziz Al Sa'ud, Crown Prince and First Deputy Prime Minister of the Kingdom of Saudi Arabia, is perhaps the most important of the GCC's strategic projects and programmes that will strengthen its work and serve the interests and aims of the State and its citizens. There is no doubt that a developed education that stresses technological and scientific progress is a fundamental pillar in providing the Gulf citizen with the practical and technological training needed for participation in comprehensive and sustainable economic and social development in the State members.
2. The Supreme Council, confirming the importance of stable political and security conditions in the Gulf region, regards this as a strategic condition for the realization of sustainable development in all spheres and as serving the interests of States and peoples. It supports all diplomatic and political efforts to achieve security and stability in Iraq, to provide the fraternal Iraqi people with the security, stability and prosperity they long for, and to make Iraq a positive member of the international community whose relations with neighbouring States are based on the principles of international law and the fulfilment of international obligations.

3. The Supreme Council expresses its condemnation, repudiation and rejection of terrorist operations that claim the lives of innocent victims, terrorize peace-loving people and destroy civil installations and institutions. It affirms, once more, that the perpetrators of such acts of terrorism and destruction, which are incompatible with the noble Islamic religion and its lofty principles, are guilty of committing immoral and inhuman acts aimed at destroying society, demolishing its political and social foundations and achieving their illegitimate aspirations and aims.

In this regard, the Supreme Council affirms its support for all measures taken to combat all forms of terrorism, together with drugs and the scourge of money-laundering, and it confirms the determination of the Gulf Cooperation Council and its States members to pursue all means to maintain security, peace and stability in order to safeguard the lives and property of citizens and to defend their accomplishments, in accordance with the principle of the collective security of the States members of the Council.

4. In order to deal equitably with the political and economic powers and blocs that have regional and international influence, the Cooperation Council must keep pace with the rapid events and developments continuously unfolding in the Arab, regional and international arenas and take the appropriate initiatives that will contribute effectively to the strengthening of its role in identifying and shaping the course of events based on a clear and well-defined Gulf position.

5. There is an urgent need to boost the working mechanisms, committees and various bodies of the Cooperation Council, so as to improve its functioning and the speed with which its resolutions and recommendations are implemented.

Success lies with God!

**Annex II to the letter dated 6 January 2004 from the Chargé
d'affaires a.i. of the Permanent Mission of Kuwait to the
United Nations addressed to the Secretary-General**

**Closing statement of the Supreme Council of the Gulf Cooperation
Council at its twenty-fourth session**

Kuwait-the State of Kuwait

28 Shawwal A.H. 1424 corresponding to 22 December A.D. 2003

In response to the gracious invitation of His Highness Sheikh Jaber Al-Ahmad Al-Jaber Al-Sabah, Emir of the State of Kuwait, the Supreme Council held its twenty-fourth session at Kuwait, in the State of Kuwait, on Sunday 27 and Monday 28 Shawwal A.H. 1424, corresponding to 21 and 22 December A.D. 2003, under the chairmanship of His Highness Sheikh Jaber Al-Ahmad Al-Jaber Al-Sabah, Emir of the State of Kuwait, and in the presence of:

His Highness Sheikh Maktoum bin Rashid Al-Maktoum

Vice President of the United Arab Emirates, Prime Minister and Governor of Dubai

His Majesty King Hamad bin Issa bin Salman Al-Khalifa

King of the Kingdom of Bahrain

His Royal Highness Prince Abdullah bin Abdul Aziz Al Saud

Crown Prince, First Deputy Prime Minister and Commander of the National Guard of the Kingdom of Saudi Arabia

His Royal Highness Al-Sayyed Fahd bin Mahmood Al Saeed

Deputy Prime Minister for the Affairs of the Council of Ministers of the Sultanate of Oman

His Highness Sheikh Hamad bin Khalifa Al-Thani

Emir of the State of Qatar

His Excellency Mr. Abdul Rahman bin Hamad Al-Attiyah, Secretary-General of the Gulf Cooperation Council (GCC), also took part in the meeting.

The Council expressed its sincere compliments and warm wishes to His Highness Sheikh Zayed bin Sultan Al-Nahyan, President of the State of the United Arab Emirates, on the successful outcome of the surgery he had recently undergone, on his safe return to his country, on his continuing generosity to the people of the United Arab Emirates and on his contribution to the promotion of the blessed process of joint cooperation with his brothers, the leaders of the GCC States.

Their Majesties and Highnesses the leaders of the GCC States expressed their appreciation to their brother His Highness Sheikh Hamad bin Khalifa Al-Thani, the Emir of the State of Qatar, for his wise and skilful conduct, during his chairmanship of the Organization of the Islamic Conference (OIC) of the proceedings of the OIC's ninth session and for his effective role in reaching positive decisions that have helped strengthen cooperation among the Islamic States.

The Supreme Council reviewed the achievements scored, since its last session, in the development of cooperation in all fields. In light of the events taking place in the new phase unfolding in the Gulf region and the world, the Council conducted a thorough review of new political and security issues at the local, regional and international levels.

Mindful of the concern shown by the GCC leaders to promote joint cooperation in all fields, the Supreme Council reviewed the follow-up reports and recommendations submitted to it by the Ministerial Council.

In the economic domain, the Supreme Council discussed the process of economic integration between the GCC States members and evaluated the results of the steps that had been taken, as reflected in the reports and recommendations submitted to it by the Ministerial Council, the ministerial committees and the secretariat.

The Council considered a report on progress by the customs union that was launched at the beginning of 2003 and on the steps that had been taken by the Council to overcome the difficulties that the customs union was facing. The Council stressed the need for all the requisite measures to be taken to facilitate the free movement of goods and to remove any obstacles thereto. To that end, the Supreme Council approved the establishment, within the secretariat headquarters, of a customs information centre to link the customs offices of the GCC States electronically and to help meet the requirements of the customs union in that area.

The Supreme Council reviewed the report on the Gulf common market and on the steps taken to implement the programme adopted by the Council at its previous session for the creation of such a market by the end of 2007. It stressed the need for the relevant committees to complete the steps set out in the programme on the establishment of the common market and confirmed the application of the principle of completely equal treatment among the citizens of all GCC States and of the removal of any barriers to the realization of such equality.

The Supreme Council considered the report on the timetable it had adopted at its twenty-second session for the establishment of monetary union and the introduction of a single currency by the beginning of 2010. It took note of the steps taken by the finance ministers and the governors of financial institutions and central banks to define the economic convergence criteria required for the success of monetary union and to establish a timetable for implementation of the programme.

With a view to supporting the process of economic integration between the GCC States, to meeting the requirements of the customs union and to achieving the purposes of the GCC Charter and the Economic Convention, the Supreme Council adopted a unified "Code" on anti-dumping measures and countermeasures, which will enter into force at the beginning of 2004. The Council furthermore ratified the Charter of the GCC Metrology Organization, establishing a new Gulf metrology organization with its headquarters at Riyadh. Its purpose will be to unify standards and measures in the States members in keeping with the requirements of the customs union, to guarantee the safety and quality of goods entering the markets of GCC States for the sake of their citizens, and to assure ongoing coordination between the existing metrology organizations of each State member.

With regard to cooperation on electricity and water, and with a view to making the best use of water and electricity resources, the Council reaffirmed its

commitment to the application of the electricity and water standards agreed on by the GCC.

Conscious of the importance of using different means of transport to link GCC States to one another in order to facilitate the movement of citizens, enhance communications among them and increase the movement and flow of goods between the GCC States, the Supreme Council charged the Committee of Ministers of Transport and Communications with the preparation of an economic feasibility study on the construction of a railway system linking the GCC States.

With regard to oil, the Supreme Council reaffirmed its desire for stability in the international oil markets and to see a balance struck between supply and demand that would secure appropriate prices for crude oil, serve the interests of producers and consumers, and support the development plans of GCC States. Out of a sense of responsibility towards the international community, the Supreme Council confirmed that, in the event of any emergency adversely affecting the stability of oil markets and global economic growth, it would work to guarantee the availability of oil within the framework of the Organization of the Petroleum Exporting Countries (OPEC) and in cooperation with non-OPEC producers.

With regard to the strengthening of cooperation between the GCC States and the Yemeni Republic, the Supreme Council considered the report of the secretariat on that subject and once again affirmed its resolve to pursue cooperation and strengthen ties with the Yemeni Republic for the mutual benefit of their respective peoples.

The Supreme Council reviewed recent developments in the economic relations between the GCC States and international economic blocs and took note of the progress made by the negotiations between the GCC States and the European Union on the conclusion of a free trade agreement. It authorized the Ministerial Council to sign the agreements that the GCC will reach with States and international economic blocs.

In accordance with the Supreme Council's resolutions on education and, in particular, the contents of the vision statement presented by His Royal Highness Prince Abdullah bin Abdul Aziz, and recognizing its importance for the overall development of education, the Supreme Council reviewed the progress made towards implementation of the joint plan on the development of public education curricula, together with the views of the Consultative Commission on Education and Scientific Research and the study conducted by the team of experts. In implementation of the resolution on educational objectives that was adopted by the Council at its twenty-third session, the Council decided that the recommendations contained in the study should be adopted and that the necessary measures and practical steps should be taken for their implementation.

The Supreme Council followed up on the joint efforts made by the States members to implement the resolutions on the employment of national workers and on facilitation of their movements between the GCC States. The Council stressed the importance of improving job opportunities for citizens and making it easier for them to move, including by extending insurance coverage and offering equal opportunities for employment in both the public and private sectors.

In the domain of legal cooperation, the Supreme Council ratified the following documents:

- Draft Doha document on a unified law for notaries public in the GCC States;
- Draft reference model for legal and judicial cooperation agreements;
- Draft Abu Dhabi document on a unified law on authentication and equivalence in the GCC States.

As an expression of its commitment to the aims of the United Nations in seeking to maintain international peace and security and of its support for ongoing international efforts to combat terrorism, the Supreme Council endorsed the recommendations made by the foreign, interior and justice ministries encouraging the GCC States to accede to international counter-terrorism conventions.

With regard to military cooperation, the Supreme Council considered and endorsed the outcomes of the twenty-second meeting of their Royal Majesties and Highnesses the ministers of defence and of the second meeting of the Joint Defence Council. It expressed satisfaction with the military cooperation established in various fields and the steps and achievements made in that regard.

In keeping with the Supreme Council's keen desire to strengthen joint security cooperation and coordination to combat terrorism, the Council gave its blessing for the conclusion of the GCC counter-terrorism convention, authorizing their Royal Highnesses and their Excellencies, the ministers for internal affairs, to sign the final text thereof.

With a view to facilitating the movement of citizens between the States members, the Supreme Council endorsed the agreement reached by their Highnesses and their Excellencies the ministers for internal affairs to allow citizens to use their personal identity cards for travel between their States as soon as possible.

The Supreme Council furthermore considered the decision taken by their Highnesses and their Excellencies the ministers for internal affairs on standardizing the information contained in the passports issued by GCC States. The Council welcomed that step as one that would facilitate travel procedures for citizens and further joint cooperation among the GCC States. It decided to refer the matter to the relevant authorities for completion of the requisite technical arrangements.

The Supreme Council reviewed the findings of its Consultative Commission on comprehensive approaches to population issues, which it decided to adopt and to refer to the competent ministerial committees to design suitable programmes for their implementation.

With regard to the subject of women and the economic, social and family role they play, the Supreme Council considered the views put forward by the Consultative Commission and decided to refer them to the bodies with competence for that subject. The Supreme Council also asked the Consultative Commission to study the following new topics:

- Evaluation of the progress achieved by the GCC over the past 23 years;
- The obstacles to trade between the GCC States;
- The role of the private sector in improving communications among GCC citizens.

The Supreme Council reviewed new developments and security incidents occurring at the local, regional and international levels, in the context of the grave

acts of terrorism being perpetrated throughout the contemporary world. It considered their implications for, and impact on, the security and stability of the GCC States in particular and of the region and international community in general. The GCC leaders expressed their strong revulsion and condemnation at the ugly terrorist attacks that had been carried out by certain terrorist elements and cells against residential complexes in Riyadh. The Supreme Council praised the security forces of the Kingdom of Saudi Arabia for their efficiency and competence in foiling the recent attempts to commit terrorist crimes that were discovered in the city of Mecca. Those acts had been targeted at pilgrims and visitors to the Holy Mosque during the blessed month of Ramadan and had been intended to spread fear, chaos and terror among our peace-loving societies and to jeopardize their stability and security. The Supreme Council reaffirmed its full solidarity with the Kingdom of Saudi Arabia and its support for all the measures that the Kingdom had taken to safeguard its security and stability. The Council also reiterated its steadfast and unwavering condemnation of all acts and crimes of terrorism in all its forms, regardless of the motives behind them, since they are incompatible with religious laws and with humanitarian and moral values. At the same time, it expressed its support for all international action and cooperation aimed at combating terrorism and cutting off funding therefor.

With regard to the attempts being made in certain media circles to confuse and link terrorism with Islam, the Supreme Council expressed its total rejection of efforts to link terrorism to any religion or civilization. It insisted that Islam and Muslims should not be blamed for acts or practices that had absolutely nothing to do with the noble Islamic religion and were alien to its noble tenets, which espouse coexistence, tolerance, love and non-violence and prohibit the terrorization of peace-loving peoples and attacks on innocent civilians. The Supreme Council stressed the need for the media to refute such claims and to take concerted action against them.

With regard to developments in Iraq and their repercussions at the regional and international levels, the Supreme Council reiterated the fundamentals of its well-known and declared position, namely its sympathy for and full solidarity with the fraternal people of Iraq in their plight caused by the prevailing security situation. The Council rejected any attempt to dismember Iraq and emphasized the need to preserve that country's sovereignty, independence and territorial integrity and to ensure compliance with the principle of non-interference in its internal affairs. It invited the other parties to adopt the same approach. The Council stressed the importance of a vital role for the United Nations in Iraq in order to pave the way for allowing the Iraqi people to determine their own political future as soon as possible.

The Supreme Council expressed satisfaction with the new direction in United States policy aimed at accelerating the handover of power to Iraqis, and welcomed the statement by the interim Iraqi Governing Council on the agreement reached with the coalition authorities to a timetable for the handover of power and authority to the Iraqis by a method that would satisfy the wishes of the Iraqi people. The Supreme Council regards this as a positive step in the right direction, that will allow the Iraqi people to manage their own affairs and to determine their own future, particularly since the programme presented meets Arab and international demands and complies with Security Council resolution 1511 (2003). The Supreme Council hopes that this will help create stability in fraternal Iraq and bring an end to its ordeal.

The Supreme Council expressed its grave concern at the continuation of the difficult security situation and at the human suffering it was causing for the fraternal people of Iraq. In that context, the Supreme Council strongly condemned the terrorist bombings directed against civilians, humanitarian and religious institutions, international organizations and diplomatic missions working in Iraq. It expressed its sincere condolences to the families of the victims of such terrorist acts and its solidarity with their countries in dealing with such crimes.

The Supreme Council called on the occupation authorities in Iraq to bear their responsibilities in accordance with the relevant Security Council resolutions and international law, particularly the Fourth Geneva Convention of 1949, concerning the responsibilities of occupying forces for the maintenance of peace and stability. The Supreme Council also emphasized the importance of cooperation between Iraq and neighbouring States to prevent the infiltration of its borders.

The Supreme Council condemned the deliberate mass killing of Iraqis and of Kuwaiti prisoners and detainees and third country nationals that had been carried out by the former Iraqi regime, as confirmed by the discovery of mass graves. Such killings were a flagrant and gross violation of human rights of Islamic and moral principals and of Arab values.

In that regard, the Supreme Council welcomes the decision taken by the interim Governing Council to set up a special court to try the perpetrators of those crimes.

The Supreme Council expressed its heartfelt condolences to the families of the Iraqis and those of the Kuwaiti detainees and others whose mortal remains have been identified thus far. It also expressed its concern at the continuing suffering of the families of missing persons whose fate had yet to be ascertained.

The Supreme Council applauded the statement made by the President of the Security Council on 18 December 2003 on the report by the Secretary-General of the United Nations on Kuwaiti prisoners and third country nationals.

The Supreme Council praised the efforts of the International Committee of the Red Cross and its Tripartite Technical Sub-committee, and appealed to all the parties concerned to continue their joint efforts in order to resolve the outstanding problem related to that issue as soon as possible.

The Supreme Council called on the United Nations to cooperate with the coalition authorities and the relevant Iraqi authorities and to exert every effort to produce a final solution to the problem of returning the assets and national archives of the State of Kuwait that were seized by the former Iraqi regime during its invasion and occupation of Kuwait.

The Supreme Council discussed the occupation by the Islamic Republic of Iran of the three islands, Greater and Lesser Tunb and Abu Musa, which belong to the State of the United Arab Emirates. Recalling and confirming its earlier resolutions in that regard, and having considered the contacts important reciprocal visits undertaken between the State of the United Arab Emirates and the Islamic Republic of Iran, the Supreme Council expressed its hope that those contacts and visits would produce positive and tangible results that would help strengthen the relations between the two States, develop cooperation between GCC States and the Islamic Republic of Iran and reinforce security and peace in the region.

The Supreme Council reiterated its steadfast support for the right of the State of the United Arab Emirates to its three islands and to their territorial waters, airspace, continental shelf and the exclusive economic zone, since they are an integral part of the State of the United Arab Emirates.

After a thorough assessment, the Supreme Council again charged the Ministerial Council with consideration of all peaceful means of restoring the right of the State of the United Arab Emirates to its three islands.

The Supreme Council viewed with grave concern the serious deterioration in the situation in the Occupied Palestinian Territories and the challenges posed to the Middle East peace process by the insistence of the Israeli Government on pursuing a policy of escalation, attacking and destroying Palestinian towns and villages, making their inhabitants homeless, assassinating their cadres and continuing with the construction of its so-called "Security Fence", which is actually designed to seize more Palestinian land and to abort the road map and the peace process, erecting an obstacle and posing a challenge to all Arab and international peace efforts. In this context, the Supreme Council appeals to the international community to bring pressure to bear on the Israeli Government to bring a halt to its provocative acts and to its threats against Syria and Lebanon.

In that connection, the Supreme Council took note of the speech made by Ariel Sharon indicating the determination of the Israeli Government to take unilateral action to implement its so-called "separation" or "disengagement" plan, thereby rejecting any negotiations with the Palestinian side. The Supreme Council reiterated its strong condemnation of such measures which do not help Arab and international efforts to revive the peace process.

In condemning these provocative and savage practices, the Supreme Council reiterates, once more, that the only way to achieve a comprehensive, just and lasting peace in the Middle East region is to put an end to the Israeli occupation of the Palestinian and Arab territories occupied in 1967, including the Syrian Golan and the remaining Lebanese territories, and to allow the Palestinian people to exercise its right to create an independent State on its national soil, with Al Quds al-Sharif as its capital, in accordance with the terms of the Arab peace initiative and the relevant United Nations resolutions upheld by the peace initiative and the road map.

The Supreme Council welcomed the unanimous adoption, on 19 November 2003, of Security Council resolution 1515 (2003), which had been tabled by the Russian Federation and which endorses the implementation of the road map to a solution to the Israeli-Palestinian conflict by the establishment of two States co-existing side by side in security and peace. The resolution emphasizes the importance of achieving a comprehensive and lasting peace for all sides, including Syria and Lebanon.

Renewing the expression of its appreciation for the constructive international efforts and the efforts of the Quartet and of His Excellency President George Bush, the Council again calls on all the parties concerned and on the international community to redouble their efforts to bring pressure to bear on the Israeli Government so that it desists from its aggressive practices against the Palestinian people, halts construction of its so-called "Security Fence" and cooperates seriously and sincerely with the Palestinian Government led by Prime Minister Ahmed Qorei

in order to begin implementing the road map and pushing the peace process forward in the right direction.

The Supreme Council reiterated its call on Israel and the international community to help rid the Middle East region, including the Gulf region, of all kinds of weapons of mass destruction, including nuclear weapons. The Council stressed the need for Israel to accede to the Nuclear Non-Proliferation Treaty and to subject all its nuclear facilities to international inspections by the International Atomic Energy Agency.

In the context of the ongoing concern and efforts of the GCC States to guarantee international peace and security, and conscious of the importance of the role played by the United Nations and of the need to promote its objectives, the Supreme Council welcomed the idea of developing the working mechanisms of the United Nations to enable it to play its vital role more effectively. The Supreme Council hoped that the relevant study would be completed expeditiously.

The Council expressed its deep appreciation and gratitude to His Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar, for his earnest and sincere efforts as Chairman of the Supreme Council during its twenty-third session and for the significant achievements he had made in pushing joint GCC cooperation on towards new horizons and greater progress and prosperity for the peoples of the region.

The Supreme Council expressed its deep appreciation and gratitude to His Highness Sheikh Jaber Al-Ahmad Al-Jaber Al-Sabah, Emir of the State of Kuwait and Chairman of the current session, and to his Government and generous people for the hospitality and the sincere fraternal feelings with which the leaders of the Council had been received. The GCC leaders praised His Highness Sheikh Jaber Al-Ahmad Al-Jaber Al-Sabah, Chairman of the Supreme Council's current session, for the care and kind attention he had devoted to that meeting, and for his judicious conduct of proceedings, which had had the greatest impact on the reaching of important decisions and outcomes. The GCC leaders expressed their confidence that, during its chairmanship of the current session, the State of Kuwait, under the leadership of His Highness, would help to advance the blessed process of cooperation and drive it on to new horizons, taking account of prevailing local, regional and international circumstances and aspirations of the peoples of the GCC States.

The Supreme Council looks forward to meeting at its twenty-fifth session which will be held — God willing! — in the State of the United Arab Emirates during the month of Dhu'lga'dah A.H. 1425, corresponding to December A.D. 2004, at the kind invitation of His Highness Sheikh Zayed bin Sultan Al-Nahyan, President of the State of the United Arab Emirates.

Issued at Kuwait
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General Assembly

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Fifty-eighth session

Agenda items 86 and 124

Questions relating to information

Scale of assessments for the apportionment of the expenses of the United Nations

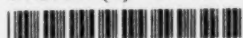
Letter dated 6 January 2004 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I would like to address an important matter that is a constant focus of attention in the United Nations as well as the international community. I refer to the issue of payments by Member States to the United Nations regular budget.

Azerbaijan has always taken very seriously its financial obligations to the Organization and, as a clear testimony to that important commitment, it has steadily found its place in the Budget Honour Roll for four consecutive years since 2000, together with a limited group of other Member States that have made it a meritorious practice to meet their financial obligations to the United Nations in full and on time and, for the last two years, even in advance.

As far as contributions to the United Nations regular budget of 2004 are concerned, the Government of Azerbaijan has made its current payment, again in full and in advance, on 22 December 2003. The receipt of the contribution has been respectively acknowledged by notes from the Secretary-General dated 23 and 30 December 2003. Moreover, a substantial amount of credits and overpayments by Azerbaijan, equalling more than half of its contribution to the regular budget, still remains in a suspense account in favour of the Government of Azerbaijan.

Taking the above-mentioned into account, I should be grateful if Azerbaijan's continued commendable commitment to meet its financial obligations to the United Nations in full and in advance could be duly reflected in the Budget Honour Roll for 2004 that has been recently posted on the web site of the Office of the Spokesman for the Secretary-General.



I would also appreciate if the present letter could be circulated as a document of the General Assembly, under agenda items 86 and 124.

(Signed) Yashar Aliyev
Ambassador

Permanent Representative of Azerbaijan to the United Nations



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Fifty-eighth session

Agenda item 94 (d)

**Environment and sustainable development: further
implementation of the Programme of Action for
the Sustainable Development of Small Island
Developing States**

**Note verbale dated 7 January 2004 from the Permanent Mission
of Mauritius to the United Nations addressed to the
Secretary-General**

The Permanent Mission of the Republic of Mauritius to the United Nations, in its capacity as Chair of the Alliance of Small Island States, presents its compliments to the Secretary-General and has the honour to request you to circulate the final report of the Expert Meeting on Capacity-Building for Renewable Energy and Energy Efficiency in Small Island Developing States, held in Niue from 7 to 11 July 2003, as a document of the fifty-eighth session of the General Assembly, under agenda item 94 (d), as part of the preparatory process for the International Meeting to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (see annex).



Annex to the note verbale dated 7 January 2004 from the Permanent Mission of Mauritius to the United Nations addressed to the Secretary-General

REPORT OF THE EXPERT MEETING ON CAPACITY BUILDING FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY IN SMALL ISLAND DEVELOPING STATES MATAVAI RESORT, NIUE, 7 TO 11 JULY 2003

DEVELOPING AN ENERGY AGENDA FOR SIDS

1. INTRODUCTION

The expert meeting on capacity building for renewable energy and energy efficiency in Small Island Developing States was held at the Matavai Resort, Niue from 7 to 11 July 2003. It brought together experts from all Small Island Developing States (SIDS) regions, from a variety of backgrounds such as energy companies, energy research, climate change and human resource development. A large contingent of local participants also attended the sessions.

The opening ceremony was chaired by Sionetasi Pulehotoa, Director of the Meteorological Service and Chairman of the Organizing Committee. After an opening prayer by the Reverend Matagi Vilitama, he made a few introductory remarks, citing the importance of the work on climate change in Niue, and how this meeting would be a direct contribution for Niue as well as for the broader membership of the Alliance of Small Island States. Esther Pavihi of the Niue Tourism Authority provided information on local sites.

The keynote address was delivered by Professor Albert Binger, Director, University of the West Indies Center for Environment and Development. He noted that energy plays an important and critical role for SIDS. The very fact of their remoteness from international markets, the very diverse and sparse spread of the countries over a large ocean area and diseconomies of scale causes this group of countries to be unique. These factors make it imperative to have the proper skills and management in order to achieve the goals of sustainable development. He noted that an examination of some of the key issues in the debate on energy and sustainable development clearly show that achieving a sustainable future will require the concerted effort at all levels of Government, the private sector, society and the international community. He concluded his remarks with an inspiring quote by Robert Nesta Marley.

The meeting was officially opened by His Excellency The Honorable Toke Talagi, Minister of Environment, who urged the participants not to lose sight of the larger picture of sustainable development for SIDS, and to seek solutions for island countries such as Niue, in particular in relation to the economic well being of the country.

The closing ceremony was attended by His Excellency The Honorable Young Vivian, Premier of Niue, who thanked the participants for their efforts, and noted that all SIDS, from the smallest to the larger, have a right and a duty to contribute to the discussions on sustainable development. He expressed the hope that the time spent in Niue would assist further in the building of solidarity amongst island peoples. In gratitude for his services in organizing the meeting, Professor Binger was presented with a drawing by the famous artist Jean Faljean, framed in Niuean hardwood.

2. PROCEEDINGS

Presentations were made by Basil Sutherland, Solomone Fifita, Anare Makativiti, K. Raghavan and Albert Binger. Their presentations and their case studies will be available from SIDSNet (www.sidsnet.org). Discussions were held on the presentations, and a special session was devoted to the energy situation of Niue. The discussions were far ranging, and the sections found below attempt to synthesize the main points and major conclusions.

3. BACKGROUND

SIDS share a number of characteristics that affect the provision of energy services including: limited internal markets; lack of economies of scale; very high transportation costs resulting from relatively small quantities; grave vulnerability to natural disasters; significant difficulties in attracting foreign direct investments; limited availability of human and institutional capacity; and the high cost of domestic capital. For SIDS, the nexus between energy services and economic development is further complicated by four factors: (a) heavy dependence on imported petroleum for commercial energy needs, (b) ongoing loss in preferential access to OECD markets, (c) vulnerability to natural disasters and the adverse impacts of climate change, resulting primarily from the growth of fossil fuel related emissions, and (d) limited integration of the energy sector with the other sectors so as to maximize synergy and the efficient use of financial resources.

For the majority of SIDS, imported petroleum (mainly end-use products) is the chief source of primary commercial energy and is used largely for transportation and electricity generation. Consequently, the cost of petroleum products in SIDS is among the highest in the world. The cost of electricity generation using petroleum products is much higher in SIDS given the added costs of fuel distribution for small-scale generation systems, made acute by the geographic dispersion of SIDS and the distance from suppliers. The ratio of petroleum imports to total merchandise exports in most of SIDS remains comparatively higher than in other developing countries and has remained almost unchanged since 1992. The almost total dependence of SIDS, with the notable exception of a few countries, on imported petroleum and the relatively low level of conversion efficiency for their commercial and domestic energy needs continues to cause imbalances in trade.

For SIDS, the linkages between patterns of energy consumption and production and the effects of global climate change pose particularly serious future challenges to improving the quality of life for the population of SIDS. Although SIDS are among those that contribute the least to the problem of global climate change because of low per capita and aggregate greenhouse gas emissions, the latest report from the IPCC states that these states would suffer most from the adverse effects of global climate change (such as sea-level rise, coastal zone inundation, and escalations in the frequency and intensity of hurricanes and typhoons) which threaten their very existence. The sustainable development of energy resources in SIDS is therefore an urgent priority.

Most SIDS, particularly the small islands of the Pacific and Indian Ocean, remain heavily dependent on traditional forms of biomass based energy (fuel wood from natural forests, coconut shells, husks and stem wood, residues from crops such as coffee, cocoa, for cooking purposes which makes meal preparation hazardous to the health of the household, in particular women and children. As with fossil fuels, current biomass usage is inefficient.

The potential savings that would accrue from a reduction in SIDS' dependence on imported petroleum, or from increased use of energy efficiency and conservation measures and renewable energy technologies (RETs), could contribute significantly to improving the economic, social and environmental well-being of SIDS.

SIDS with a few exceptions have significant renewable energy resources that could be developed to reduce dependence on imports and their growing economic and environmental vulnerability. Relative to other countries, SIDS have a high and relatively constant supply of solar energy. In a number of SIDS, the use of small scale solar photo-voltaic (PV) power to provide electricity in rural areas and remote islands with isolated pockets of low load densities have been implemented on a pilot scale, but more work on financing and institutional arrangements needs to be done to realize their full potential. Wind and biomass resources vary significantly with location, both within and between countries; however, technological advancement in recent years makes wind power a cheaper option for commercial energy services in many SIDS. Biomass from agriculture, either as by-products in agro-industry (bagasse from the processing of sugarcane, or waste from livestock production or fish processing) represents not only potential substitutes for fossil fuel, but opportunities to improve local agricultural productivity and economic profitability, directly contributing to quality of life improvements and reducing vulnerability. In some SIDS the combination of energy from the agricultural sector combined with wind and hydro represent opportunities for base load and peak electricity production.

Hydropower resources for electricity production exist in a number of SIDS for example Fiji, Jamaica, Solomon Islands, Samoa and Vanuatu, but exploitation is fairly limited. The management of urban organic wastes (sewage, household

garbage, and paper from offices) is a growing concern for SIDS, and could be addressed in a significantly more cost effective manner through the use of waste-to-energy systems or biogas systems which would not only contribute to increased energy independence but help to address pollution and public health concerns, as well as providing a source of organic fertilizer. A smaller number of SIDS have substantial level of geothermal resources which remain untapped.

Also untapped is the vast energy resources of the tropical ocean, upon which SIDS are anchored. This resource has the potential not only to substitute for fossil fuel but also to provide commercial energy at a cost that will create opportunities for the development of energy intensive industries in SIDS.

Despite some growth in the use of modern RETs, particularly PV systems in SIDS, the wide scale application and use of RETs has not occurred in SIDS for a number of reasons. A principal reason has been the lack of technical and policy related knowledge related to RETs within SIDS. Currently most SIDS lack appropriate institutional capacity and do not have adequate technical capacity to evaluate RETs and implement their usage, and consequently continue to depend on donor driven activities. The vast majority of SIDS therefore continue their high level of dependence on imports and in the process continue to increase their economic, environmental and social vulnerabilities.

2. TIME FOR SIDS TO ADVANCE THEIR OWN SUSTAINABLE ENERGY AGENDA

While there has been some ad-hoc support from bilateral donors to help SIDS address energy for development, international agencies such as the development banks have chosen not to help SIDS develop the capacity to exploit their abundant indigenous energy resources, but rather to use market approaches more specifically for privatisation of their commercial energy production. Instead of helping to develop indigenous energy sources and reducing the cost of electrical energy the opposite has occurred. The leaders of SIDS welcome foreign investments, as their economies are, and will be, dependent on such investments to drive economic development. However, the increasing escalations in electricity cost are proving counter-productive, as the high cost of energy is a disincentive for foreign investment. So rather than providing a long term solution, privatisation at this point in time is taking SIDS in the opposite direction. This is the result of a number of factors including: lack of transparency, limited institutional capacity to formulate policy to guide privatisation and putting in place the needed regulatory regime.

Policy makers in SIDS need to recognize that our countries are unique and that wholesale adaptation of prescriptions from larger countries are not appropriate. Our decision makers must now meet the challenge of making informed decisions on the economic and technical viability of those prescriptions from the developed world, understanding that there may be vested interest not necessarily consistent with SIDS aspirations. In many cases the external advice is not appropriate to the

specific situations of SIDS, and our policy makers need to be provided with the information necessary to evaluate these recommendations. The experience of the applicability of this external advice should be measured by its success in actually assisting other SIDS.

Policy makers in the energy sector need to better understand the integral linkages between their sector and the economy, including the major challenges that economic globalisation poses for small scale producers and the many economic, social, and environmental benefits that would accrue to that national economy from the comprehensive development of indigenous energy sources. Policy makers in the energy sector need to work in a synergistic manner with their counterparts in economic development to better understand the trade-offs, and how choices in the energy sector contribute to social and economic vulnerability in the future. They also require a greater degree of understanding of how best to encourage technology transfer and the national/regional adaptation of RETs and energy efficiency, and how this could reduce the need for government to provide subsidies.

Sustainable energy is the foundation of sustainable development, and requires affordable financing, but the majority of SIDS do not have the financial and technical resources or affordable access to financing. SIDS will require political commitment as well as financial investments to build appropriate institutional and human capacity, develop the necessary regulatory frameworks, energy policies, and financing mechanisms, and to catalyse public sector involvement. Policy makers therefore also need to become much more innovative in developing financing mechanisms in partnership with the local and external private sector, to tap the much cheaper capital available internationally, a potential benefit of economic globalisation that SIDS are yet to take advantage of.

This begins with getting the political leadership in SIDS to recognize the critical role of the energy sector and to give it the level of importance that is required, and provide the level of resources to make sure that there is adequate capacity. Given the limited human resources that now exist in the sector coupled with a tight fiscal situation, cooperative approaches by the governments of SIDS to develop and share institutional capacity, in partnership with the developed countries, should be given priority by our political leadership.

Table A Brief Overview of RET Applications in small island settings.

BIOMASS	<i>Bagasse: Mauritius has initiated a Bagasse Energy Development Programme. Bagasse is used as fuel for sugar mills in Barbados, Fiji and Jamaica.</i> <i>Biogas: Biogas systems (differing in size, design and feedstock) have been built in Barbados, Jamaica, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago.</i> <i>Biofuels: Used to run small diesel generators in Fiji, Tuvalu and Samoa.</i> <i>Coconut oil has been used in Vanuatu for running cars, buses and ferries.</i>
SOLAR	<i>Solar Photovoltaic (SPV) Systems: particularly in Pacific SIDS such as Kiribati, Tonga and Tuvalu also in Cape Verde, Barbados.</i> <i>Solar Thermal: Most widely used RE application in the Caribbean. Solar Water Heaters offer exciting market opportunities for growing tourist and hotel industry, used widely in Barbados, Mauritius and Seychelles.</i> <i>Solar Drying: in the Caribbean particularly in Grenada, Jamaica and Trinidad and Tobago.</i>
WIND	<i>Wind turbines have been used in Martinique, Curacao, Guadeloupe, Cape Verde and Jamaica. The potential for wind energy, and in particular, small wind and diesel hybrid power systems is being studied by several Pacific islands.</i>
HYBRID & OTHER NEW TECHNOLOGIES	<i>Wave and Tidal power, and Ocean Thermal Energy Conversion (OTEC) are some of the other technologies that offer interesting opportunities for SIDS. The Scientific and Technical Advisory Panel of the Global Environment Facility has recommended that OTEC be studied more closely for application in SIDS.</i>

As shown in the above table, RETs are in various stages of development in SIDS, and this provides evidence of its feasibility and viability, which are key requirements for convincing senior decision makers in the government and private sector. It also provides the basis to get support from the general population whose endorsement is critical to successfully addressing the development challenges of our countries.

It is recognized that no individual SIDS can by themselves drive the development of their indigenous energy resources. This will require collective action and for this, SIDS leaders need to develop a common agenda for renewable energy and energy efficiency. Such an agenda will help to ensure that:

- The required expertise is developed;
- Experience and expertise are effectively shared;
- The required financial resources can be mobilized from the global markets recognizing that we cannot depend solely on donor assistance; and
- A framework for others wishing to assist SIDS can easily identify areas where their vested interest intersect with the interests of SIDS.

The main goals of the Agenda would be:

- To increase the professional and institutional capacity of the energy sector in SIDS.
- To enable SIDS and other interested countries to develop and demonstrate on a commercial scale, energy services systems that maximize the use of their abundant renewable energy resources.
- Demonstrating to the international community, which is reluctant to make the changes in energy systems that will address the apocalyptic future of global climate change, that it is indeed possible to make these changes, and thereby strengthen the position of SIDS in global negotiations.

The Agenda should lead to:

- More effective utilization of SIDS overall experience and expertise in response to each SIDS's unique energy needs and challenges.
- Providing a framework for regional, inter-regional and global collaboration to maximize benefits for all; especially since donors tend to focus on geographical regions or specific groups of countries.
- Sensitising donor groups to the characteristics and specific needs of SIDS, in order to attain more targeted support.
- More effective mobilization of donor support, and coordination of such support.
- A clearinghouse for sustainable energy development experts, consultants, and partner agencies, as well as a reference and information resource.

Priority would be given to the development and implementation of the following:

- Integrated Resource Planning.
- Promotion of energy efficiency — best practices, certification, standards, building codes and home designs, etc.
- Electric utility regulation and efficient management: capacity development and the provision of technical assistance through SIDS institutional entities.
- Technology development, demonstration, and national scale generation of energy services through:
 1. Utilization of waste, and anaerobic fermentation/biotechnology (multiple benefits at the national level).
 2. Ocean energy: wave, OTEC, tidal.
 3. Wind, solar, biomass, hydro, geothermal.
 4. Hydrogen generated from renewable energy sources.
 5. More efficient use of conventional sources of energy.
 6. Improved efficiency of technologies and methods for the utilization of energy in SIDS (cooking stoves, air conditioners, freezers, motors, etc.).
 - Capacity building, through:
 1. Training of engineers, research scientists, architects, sustainable energy systems policy makers, managers and technicians.
 2. Development or strengthening of institutional capacity to facilitate regional and inter-regional exchange of information and expertise, and the development of appropriate databases.
 3. Assessment of the potential of new and renewable energy resources.
 - Efficient modes and alternative transportation systems.
 - Public awareness and education, with an emphasis on primary and secondary education on the role and importance of energy and of energy efficiency.
 - Development of structures for fostering and facilitating regional, inter-regional and global cooperation.

3. PROPOSED ELEMENTS OF A SUSTAINABLE ENERGY DEVELOPMENT AGENDA

The participants at the Niue Energy Meeting, recognizing that at the BPOA+10 International Meeting on the sustainable development of SIDS scheduled for August 2004, our leaders will for the first time in ten years gather to discuss our common future and necessary actions to address the growing vulnerabilities of our countries, hereby suggest for consideration by our colleagues at the various national, regional and inter-regional meetings that are part of the preparatory process, the following elements as part of the development of a comprehensive Sustainable Energy Agenda for SIDS.

- The Establishment of a Sustainable Energy Network for SIDS

Functions would include:

- The provision of information on best practices
 - Assistance in identifying external technical and financial support
 - Access to expertise, through a roster of experts
 - Support for the development of demonstration projects
 - Support for Public Education and Awareness, including assistance with program development, information exchange and cooperation for resource mobilization
 - Assistance with the development of sustainable energy policies
 - Capacity development
 - Facilitate the exchange of information at the different levels (national, regional and inter-regional)
 - Assistance with curriculum development
 - Linkages to existing relevant projects and programs (such as PIREP) as well as to the further development of Type II partnerships developed in the context of the WSSD.
- **The Development of a Renewable Energy and Energy Efficiency Centre (REEEC) on the Internet**

Role would be:

- Provide a support and training resource to help awareness and education of policy, decision makers in the public and private sectors, and leaders of Civil Society
- Assist energy experts and planners in identification of technological options
- Provide estimate of costs and benefits of sustainable energy systems
- Make use of existing networks, in particular SIDSNet and networks related to specific projects and programs in SIDS regions.

- **The Development of Tertiary Education Capacity in Renewable Energy and Energy Efficiency**
- Developing human and institutional capacity in management, financing, efficiency and maintenance.
- Providing opportunities to and encouraging the development and participation of rural energy service companies, local companies and manufacturers to supply equipment for project implementation, management and maintenance.
- Ensuring that the implementation of rural energy systems maximizes the benefits to the environment and livelihood of rural communities.
- Establishing detailed information databases on resources available and the assessment of energy requirements, existing systems and projects.
- Providing institutional strengthening and assist with developing and implementing legislative reforms, and encourage and establish an enabling environment.
- **The Development of Dedicated Funding Facilities for renewable energy and energy efficiency in regional development banks as well as other funding sources**
- Seeking increased official development assistance and other grant and concessional financing from international and regional funding cooperation in the development of national sustainable energy service strategies.
- Engaging development finance institutions and commercial banks in providing loans and grants for small-scale projects, and promote innovative financing arrangements, especially for low-income inhabitants, and the restructuring of loans to assist financing of energy services.
- Encouraging the local private sector and local communities to provide energy financing and other energy services, particularly in rural areas and remote islands, and contribute to achieving the intended goals through capacity building at the corporate and community levels.
- Providing support and financial resources for renewable energy, and giving special consideration for funding for SIDS.
- **Planning and implementation of several "100% Renewable Energy Islands" in the 3 regions – Pacific, Caribbean and Indian ocean. The aims would be:**
- To show that it is possible for islands to get all their energy needs sustainably from Renewable Energy Sources (RES).
- To build up local capacity on SIDS to plan and implement 100% Renewable Energy Islands.

- To focus attention on the final goal of sustainable energy supply which is to be free from fossil fuels.
- To create a replicating effect that will lead to more and more islands on SIDS trying for and achieving 100% energy supply from RES.

4. WORKSHOP RECOMMENDATIONS

a) The workshop recommends that the proposed Agenda would be implemented as two components. The first component will focus on developing the partnerships within SIDS and other interested parties, and strengthening the information and professional capacity for sustainable energy development. The second component will support implementation of commercial demonstrations of energy services from renewable resources and the energy efficiency. In order to achieve this the AOSIS leadership should be informed of the outcome of the meeting, and be invited to place the item of the energy agenda development on the draft agenda for the Inter-regional Preparatory Meeting for the Review of the Implementation of the Barbados Program of Action, to be held in Bahamas in January 2004, in preparation for the International Meeting in Mauritius in August 2004.

b) In addition to the recommendations directly related to the energy agenda the meeting also identified the following points as being of crucial importance. They could be considered separately, but should eventually be integrated in the energy agenda as positive steps. It was also noted that certain Type II initiatives would be working on several of these areas. In this regard the need to share information on successes and progress was noted as being particularly important.

We the participants in the Niue meeting based on our deliberations, building on the recommendations of previous AOSIS workshops and summits, recommend the following for consideration by our respective governments:

- Recognizing that our countries need to reduce the cost of energy to the consumer and the amount of foreign exchange required for importation of fossil fuels and help in the protection of the national as well as the global environment; recommend that our governments consider formulating policies to encourage the following best practices in order to improve the efficiency of energy generation, distribution and end use:
 - in the provision of lighting services undertake pilot programme to convince consumers of the benefits of energy efficient lighting;
 - reduction in the use of water within the tourism sector by encouraging occupants to use less water, installing variable flush toilets, time control on air condition units, wide scale use of solar hot water systems, greater use of natural lighting in the future design and construction of hotels and resorts, and programmes for the reuse of water;

- establishment of special programmes to fund consumers' energy efficient retrofits;
- Improving energy efficiency by addressing the constraints and barriers:
 - Identify clearly the constraints and barriers to take full advantage of energy efficiency measures, particularly in the production and distribution of energy, and the utilization of energy in industrial, commercial and domestic sectors.
 - Address the lack of skilled human resources, public education and awareness, and develop clear appropriate policies, technology choices, taxes, duties, subsidies and rebate incentives. The resolution of these will contribute to energy efficiency, to reduction in energy demand and greenhouse gas emissions and other pollution.
- Energy efficiency associated with the production and distribution of energy:
 - Identify and adopt, where economically and financially viable, more efficient power production and distribution technologies, and facilitate their transfer to SIDS.
 - Carry out power system loss assessments or energy audits in the power utilities in SIDS within an appropriate penalty regime, implement a loss reduction programme, and develop appropriate specifications for the procurement of power supply equipment that will not contribute to energy inefficiencies.
 - Carry out a human resource development needs assessment of the power utilities, and implement an institutional strengthening programme in those areas that will increase the ability of the power utility to improve energy efficiency.
- Energy efficiency associated with the utilisation of energy:
 - Creating appropriate energy policies, standards and incentives that act as drivers for the conservation of energy and the acquisition of energy efficient consumer appliances.
 - Establishing energy audit mechanisms and monitoring systems.
 - Encouraging the creation of energy service companies.
 - Supporting research, development and demonstration, as well as education and public awareness programs.
 - Disseminating technology options for improving end-use energy efficiency in the residential and commercial buildings sector, including wider diffusion of technologies, such as more efficient equipment and appliances; efficient heating and air-conditioning systems; and more efficient building envelope designs.
 - The introduction and adoption of tariff and customs reform to encourage the wider utilization of energy efficient appliances and equipment through star rating programmes and the introduction of

minimum energy performance standards (MEPS) for equipment and appliances will assist in meeting these requirements.

- Establishing institutional mechanisms that are required for regulatory and legal frameworks for implementing policies on incentives; energy efficiency standards and labelling of equipment; and incentives for the private sector and communities to contribute to achieving the intended goals.

There should be increased development and utilization of renewable energy sources through national and regional efforts and international cooperation, specifically to increasing technology transfer and investments in mature renewable energy technologies. In particular, the proposal for 100% Renewable SIDS should be investigated further, and specific research and projects for small communities in SIDS should be explored as a matter of urgency.

Strengthening national capacity in policy development, institutions, technology, financing and commercialisation will be crucial.

Regional organizations should be encouraged to continue to provide assistance to the public sectors on policy and regulation, and to provide the necessary interface for program promotion. They should serve a catalytic role by providing public information, to encourage participatory approaches involving NGOs and community-based organizations, encourage best practices and facilitate institutional networks through demonstration projects.

- Renewable energy technologies at the regional and national levels:
 - Establishing regional networks and centers of excellence for the exchange of experience in the development and application of renewable energy, research and development cooperation, including joint development projects, the sharing of testing and training facilities and South-South cooperation for capacity-building.
 - Disseminating technology options at the national, regional, and international levels for mature solar, wind, biomass, hydro including mini-hydro, geothermal, ocean (wave, tidal and ocean thermal energy conversion), and hydrogen from renewable sources, and other renewable energy technologies.
 - Learning from past experience and establish closer links between research, development, demonstration projects and industry.
 - Promoting trade in renewable energy devices and systems and facilitate the creation of an enabling environment for rapid market growth.

- Supporting national efforts to build organizational and manufacturing capacity for the production and diffusion of renewable energy technologies, as well as for education and public awareness.
- Strengthening linkages between existing regional and international mechanisms, such as the Global Environment Facility, and renewable energy technology development and utilization in SIDS. In this regard special consideration should be given to creating a "window" within the GEF focal areas for the provision of new and additional funding for renewable energy projects in developing countries, in particular the least developed countries and the SIDS amongst them.
- Planning and implementation of several "100% Renewable Energy Islands" in the Pacific, Caribbean and Indian ocean regions.

Energy efficiency is a major preoccupation, and problems with the transportation sector abound in the SIDS regions. Efforts at improving energy efficiency within each transportation mode, including sea transport will therefore be necessary, as will be developing transportation management policies that would improve the effectiveness and availability of public transport systems.

The introduction of sustainable energy supplies in rural areas and remote islands to increase the standard of living of rural dwellers and in generating economic activities is very important, as well as establishing greater reliability of the energy supply at an affordable cost.



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Agenda item 156**

**Security Council
Fifty-ninth year**

Measures to eliminate international terrorism

**Identical letters dated 8 January 2004 from the Chargé
d'affaires a.i. of the Permanent Mission of the Sudan to the
United Nations addressed to the Secretary-General and the
President of the Security Council**

Further to my letter dated 4 January 2004 concerning the incitement, support, sheltering and training of outlaw groups by Eritrea in order to destabilize the Sudan and cripple the ongoing peace process, I have the honour to enclose herewith two military communiqués issued in Asmara, capital of Eritrea, by the so-called "Beja Congress" and the "National Revolutionary Movement", claiming that on 14 October 2003 they attacked Tandalai Camp near Kassala, capital of the eastern region of the Sudan bordering Eritrea (see annexes I and II).

As I put this evidence of the flagrant support of Eritrea for terrorist groups before you, I would appreciate if you could circulate the present letter and its annexes as a document of the fifty-eighth session of the General Assembly, under agenda item 156.

(Signed) Omer B. **Manis**
Chargé d'affaires a.i.



**Annex I to the identical letters dated 8 January 2004 from the
Chargé d'affaires a.i. of the Permanent Mission of the Sudan to
the United Nations addressed to the Secretary-General and the
President of the Security Council**

Beja Congress

Military statement

In a surprise attack on the morning of 14 October 2003, our heroic revolutionary forces were able to seize a camp in Tandalai El-Gash, north of the State capital Kassala, after a fierce battle at the end of which the enemy forces fled, leaving many dead and injured, as well as weapons, munitions and materiel. The national public highway linking Port Sudan and the capital, Khartoum, was also interrupted. The enemy's losses are still being counted and we shall provide you with fuller details later in another military statement.

Victory to the Beja!

(Signed) Idris Nur Mohamed Ali
Director of information and education
Official Spokesman

**Annex II to the identical letters dated 8 January 2004 from the
Chargé d'affaires a.i. of the Permanent Mission of the Sudan to
the United Nations addressed to the Secretary-General and the
President of the Security Council**

Beja Congress

Sudan

Joint military statement

25 October 2003

On Friday, 24 October 2003, joint units of the forces of the Beja Congress and the National Revolutionary Movement (liberation forces) attacked and seized an enemy camp in Amadam in which the forces of the Aruma 34th infantry brigade were present and the Adr Abab camp in El-Gash north of Aruma. They also destroyed the main part of Adr Abab through which the El-Gash River flows, cutting off the Khartoum-Port Sudan national highway for the second time this month. Our heroic forces destroyed both camps, inflicting huge loss of life and of materiel on enemy forces and seizing four Land Cruiser vehicles containing machine guns and large quantities of weapons, munitions and materiel. Our forces continue to control the positions they have occupied and the enemy's losses are still being counted. Fuller details will be given in a subsequent statement. The forces of the Beja Congress and the liberation forces assure all our patient people that these strikes will continue with greater force and violence until the Islamic Front has been removed, and that the bilateral accords will not secure peace and stability. We also consider this to be a clear message to the Intergovernmental Authority on Development (IGAD) and its friends that we will continue our struggle until a comprehensive and just peace has been established in the Sudan. Victory to our steadfast masses, glory and immortality to our innocent martyrs, and revolution unto victory.

(Signed) Idris Nur Mohamed Ali
Director of information and education
Official Spokesman of the Beja Congress

(Signed) Awd al-Bari
On behalf of the liberation forces
Revolutionary National Movement



General Assembly

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Agenda items 130, 131 and 132

Report of the Secretary-General on the activities of the Office of Internal Oversight Services

**Financing of the International Criminal Tribunal
for the Prosecution of Persons Responsible for
Genocide and Other Serious Violations of International
Humanitarian Law Committed in the Territory of
Rwanda and Rwandan Citizens Responsible for
Genocide and Other Such Violations Committed in the
Territory of Neighbouring States between 1 January
and 31 December 1994**

**Financing of the International Tribunal for the
Prosecution of Persons Responsible for Serious
Violations of International Humanitarian Law
Committed in the Territory of the Former Yugoslavia
since 1991**

Review of the Office of the Prosecutor at the International Criminal Tribunals for Rwanda and for the former Yugoslavia

Note by the Secretary-General

1. Pursuant to General Assembly resolutions 48/218 B of 29 July 1994 and 54/244 of 23 December 1999, the Secretary-General has the honour to transmit, for the attention of the General Assembly, the report, conveyed to him by the Under-Secretary-General for Internal Oversight Services, on the review of the Office of the Prosecutor at the International Criminal Tribunals for Rwanda and for the former Yugoslavia.
2. The Secretary-General takes note of the findings and concurs with its recommendations.



**Report of the Office of Internal Oversight Services on
the review of the Office of the Prosecutor at the
International Criminal Tribunals for Rwanda and for
the former Yugoslavia**

Summary

Pursuant to General Assembly resolution 57/289 of 12 February 2003, the Office of Internal Oversight Services (OIOS) conducted a review of the Office of the Prosecutor (OTP) at the International Criminal Tribunals for Rwanda (ICTR) and for the former Yugoslavia (ICTY).

At the time of the review, which was conducted in June and July 2003, one Prosecutor headed OTP. On 28 August 2003, the Security Council adopted resolution 1503 (2003) to create a separate post of Prosecutor for ICTR. This change has been taken into account in the present report.

The review concluded that the Prosecutor had undertaken initiatives to improve the performance of OTP through the use of information technology and making changes in working methods such as the way translations were carried out. However, best practices were not always shared between ICTY and ICTR OTP, which resulted in missed opportunities for building synergies. In addition, arrangements for planning and monitoring needed to be strengthened internally and in coordination with the other organs of the Tribunals. Overall, there was insufficient information to confirm the Tribunals' contention to the Security Council that OTP investigation and prosecution mandates would be completed by 2004 and 2008 respectively. OTP did not have a strategy document that formed part of a coordinated Tribunal-wide approach and which identified the factors that impacted on ICTR and ICTY ability to achieve the completion dates. Certain elements were present in the ICTY and ICTR proposed budgets for the biennium 2004-2005, which included a revised management structure, reduction and redeployment of OTP staff. However, nowhere were these clearly indicated as requirements to achieve the completion date.

The review found that delays in recruiting the ICTR Deputy Prosecutor and the Chief of Prosecutions were mainly attributable to inappropriate recruitment procedures followed by both OTP and the Registry. OTP construed the appointment of the Deputy Prosecutor as a political appointment not requiring a formal vacancy announcement, whereas the Registrar felt that he alone was to select the candidate to be appointed. To prevent such problems in the future, the Registry and OTP should agree on their respective roles in human resources management and ensure that OTP staff involved in recruitment procedures are provided with appropriate training to be able to fulfil their roles in accordance with United Nations regulations and rules.

The Prosecutors of ICTY and ICTR have accepted the recommendations made by OIOS and are in the process of implementing them.

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I. Introduction

1. Pursuant to General Assembly resolution 57/289 of 20 December 2002, the Office of Internal Oversight Services has conducted a management review of the Office of the Prosecutor (OTP) of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). The objective of the review was to determine whether the Prosecutor had put adequate mechanisms in place to conduct the work of ICTY and ICTR OTP, in an efficient, economic and effective manner. The review put particular focus on issues related to the recruitment of the ICTR Deputy Prosecutor and of the Chief of Prosecutions. The review was conducted in June and July 2003 and covered OTP activities from January 2001 to July 2003. Audit activities included interviewing staff and reviewing available documentation of the Chambers, the Registry and OTP. A draft of the present report was discussed with the Prosecutors of ICTY and ICTR and their comments were included in the report as appropriate and are identified by the use of italics.

2. ICTY was established by the United Nations Security Council in its resolution 827 (1993) of 25 May 1993 with the mandate to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since January 1991. It comprises three organs, whose role and funding are shown in table 1.

Table 1
Role and funding (in 2002-2003) of ICTY organs

Organ	Role	Regular budget	Voluntary funds	Total
		Thousands of US dollars		
Chambers	The judges who hear testimony and legal arguments and decide on the innocence or the guilt of the accused and pass sentence	8 511	-	8 511
Office of the Prosecutor	Prosecution and investigation staff who conduct investigations, prepare indictments and present prosecutions before Chambers	79 807	1 129	80 936
Registry	United Nations Secretariat staff responsible for administrative and judicial support services	167 923	4 563	172 486
Total		256 241	5 692	261 933

Source: A/56/495 (budget for ICTY 2002-2003).

3. ICTR was established by the Security Council in its resolution 955 (1994) of 8 November 1994 with the mandate to prosecute persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States between 1 January and 31 December 1994. It comprises three organs, whose role and funding are shown in table 2.

Table 2
Role and funding (in 2002-2003) of ICTR organs

Organ	Role	Regular budget	Voluntary funds	Total
		Thousands of US dollars		
Chambers	The judges who hear testimony and legal arguments and decide on the innocence or the guilt of the accused and pass sentence	4 486	-	4 486
Office of the Prosecutor	Prosecution and investigation staff who conduct investigations, prepare indictments and present prosecutions before Chambers	50 563	354	50 917
Registry	United Nations Secretariat staff responsible for administrative and judicial support services	143 475	2 725	146 200
Total		198 524	3 079	201 603

Source: A/56/497 (budget for ICTR 2002-2003).

4. ICTR and ICTY each have a President of the Chambers and a Registrar. However, at the time of establishment of ICTR in 1994, article 15 (3) of its statute provided that the ICTY Prosecutor would also be the ICTR Prosecutor, creating a common Prosecutor for both Tribunals. On 28 August 2003, the Security Council decided¹ that ICTR should have its own Prosecutor.

5. At the time of the review, the Prosecutor was responsible for setting policies for both ICTY and ICTR OTP and for the overall management of her Office. ICTY and ICTR OTP were structured to reflect the two main statutory functions of the Prosecutor, namely the investigation of crimes within the Tribunal's jurisdiction and the prosecution of cases before the Chambers. The staffing levels in ICTY and ICTR OTP are shown in table 3 and the status of the prosecution cases is presented in table 4.

6. The different levels of staffing reflect differences in the extent of work involved in the two Tribunals. The ICTY mandate covers crimes committed in the territory of the former Yugoslavia from 1991 onwards, whereas the ICTR mandate covers crimes that took place during 1994 only. Consequently, ICTY has six field offices. The volume of documented material available to ICTY is also much greater. ICTY OTP informed OIOS that it had collected approximately 4 million document pages, 150,000 photographs, 8,000 hours of video and audio evidence, and 6,000 artefacts.

Table 3
Staffing levels in OTP

Organizational units in OTP	ICTY			ICTR		
	RB	XB	Total	RB	XB	Total
Immediate Office of the Prosecutor	11	2	13	3	-	3
ICTR Support Unit	4	-	4	-	-	-
Appeals Section	12	-	12	2	-	2
Information and Evidence Section	136	16	152	13	-	13
Prosecution Division	123	21	144	55	1	56
Investigation Division	273	15	288	104	4	108
Total number of staff in OTP	559	54	613	177	5	182

Source: Based on staffing reports of ICTY and ICTR as at 31 July 2003. The figures shown in the table reflect actual staffing levels i.e. excluding vacant posts.

Note: RB = Staff funded by regular budget, including general temporary assistance (GTA) staff.
XB = Staff funded by voluntary contributions.

Table 4
ICTY and ICTR status of prosecution cases as at 31 July 2003

	ICTY	ICTR
Accused in pre-trial stage	31	31
Accused currently on trial	4	18
Accused tried (including awaiting judgement/sentence)	46	13
Accused received their final sentence	20	8
Accused acquitted	5	1
Accused at appeal	12	4
Indicted but are yet to be arrested	18	17
Total accused appeared in the proceedings before the Tribunal since inception	91	82

Source: Based on information provided by OTP.

II. Overall management of OTP

A. Management of OTP

7. Article 15 (3) of the ICTR statute provided that "the Prosecutor of the International Tribunal for the former Yugoslavia shall also serve as the Prosecutor of the International Tribunal for Rwanda". OIOS expected that ICTY and ICTR OTP, with similar operational requirements and managed by a common Prosecutor, would share best practices and lessons learned to derive synergy. OIOS found that best practices between ICTY and ICTR OTP were not always shared and consequently

opportunities for building synergies were missed. The different management practices between ICTY and ICTR OTP, coupled with the very limited delegated authority of the ICTR Deputy Prosecutor, led OIOS to conclude that consideration needed to be given to ICTR having its own Prosecutor or that the authority of the Deputy Prosecutor to act on behalf of the Prosecutor needed to be strengthened. In the light of the decision of the Security Council in its resolution 1503 (2003) to create a separate post of ICTR Prosecutor, OIOS is not raising any observations on this issue in the present report.

B. Completion of mandate

8. The President of ICTY on 10 June 2002 transmitted a report (jointly prepared by the President, the Prosecutor and the Registrar) to the Security Council through the Secretary-General² stipulating the following deadlines for a phased completion of the ICTY mandate:

- Completion of investigations 31 December 2004
- Completion of trials 31 December 2008
- Completion of appeals 31 December 2010

9. Similarly, the President of ICTR, in the Tribunal's seventh annual report to the Security Council and to the General Assembly for the period ending 30 June 2002,³ stated that investigations would be complete in 2003/2004 and trials in 2007/2008.

10. Based on the documentation made available by OTP, OIOS is of the opinion that the ICTY and ICTR OTP mandates as reported to the Security Council may not be achieved as:

(a) There was no evidence to support how the dates were arrived at and why they were similar, given that the nature, size and complexity of the crimes committed were not necessarily the same. *ICTY OTP commented that it did not agree with the comment that there was no evidence to support how the completion dates had been arrived at, at least in relation to the 2004 completion date. It was understood that the OIOS audit team had been shown documents relating to the work of the United Nations Group of Experts in 1999, when it was calculated by the Prosecutor, at that stage, that all investigations would be completed by 2004, and that assessment appeared in paragraphs 30 and 173 of the final report of the Group of Experts. That assessment, based on the number of remaining investigations and the utilization of staff dedicated to trial work, had been progressively and regularly reviewed, with consistent predictions since then that the 2004 target date was and is realistic.* OIOS appreciates management's comments, but notes that the United Nations Group of Experts in its report⁴ stated that OTP estimated it would need about four years to finish the planned investigations. ICTY formally proposed the 2004 completion date for investigations to the Security Council only in June 2002. The Council endorsed the proposal in July 2002. ICTY OTP did not provide OIOS with documents outlining the envisaged time frame for each of the remaining investigations, which would have substantiated its assessment that the 2004 completion date was realistic.

(b) In July 2000, the Prosecutor stated that 36 investigations must be completed before she would be able to report to the Security Council that the

investigation part of the ICTY OTP mandate had been completed. In June 2002, she informed the Security Council that the figure had been revised to 25 new investigations to be completed by December 2004. In September 2002, ICTY OTP further revised its investigation targets, categorizing them as 16 "priority A" and 18 "priority B" cases. Plans were in place to complete the "A" cases by December 2004 and, if resources were available, also to complete the "B" cases. OIOS concluded that it was therefore unlikely that the 25 cases proposed in June 2002 would be finalized by December 2004.

(c) In July 2002, the Prosecutor revised her investigation programme for ICTR, from the original estimate of 136 new suspects to be investigated to 14, together with 10 ongoing investigations.⁵ With the resulting 24 new indictments instead of the proposed 119 indictments stated in September 2001,⁶ the investigation mandate would be completed. However, the number of targets for investigations in ICTR increased to 26 in May 2003.

11. The scaling down of OTP investigation cases in both Tribunals led OIOS to conclude that the revised targets represented a strategy to complete the existing workload in order to disengage from the mandate in the most expeditious manner possible. *ICTY OTP commented that the number of investigations to be completed by them was constantly reassessed and revised on the basis of (a) the evolution of the investigation and the evidence collected; and (b) the need to concentrate the efforts on the persons bearing the highest level of responsibility in the crimes committed. The issue was not so much the number of investigations actually completed as the need to ensure that the investigations completed concerned leaders responsible for the worst crimes and that the cases against them were well-prepared and strong. This was the wish of the international community, as expressed once again in Security Council resolution 1503 (2003).*

12. OIOS appreciates management's comments but notes that in the 2000 annual report, ICTY OTP had informed the General Assembly that the Prosecutor was now able to make a reasonable estimate of the investigative work that remained to be done and that, provided no new areas of conflict arose in the former Yugoslavia, 36 investigations had to be completed before the Prosecutor was able to report to the Security Council that the investigation part of the mandate had been completed.⁷ OIOS was not presented with any evidence to support the assertions that revisions downward in the number of investigations to be completed from 25 to 16 in ICTY and 136 to 26 in ICTR were a direct consequence of "the evolution of the investigations and the evidence collected". Further, OIOS was not presented with any evidence to support the suggestion that the change was due to "the need to concentrate the efforts on the persons bearing the highest level of responsibility". As mentioned in the 2002 annual report to the Security Council and the General Assembly, the Prosecutor has been "directing her penal policy at prosecuting the major political and military leaders and leaving the lower-ranking subordinates to be tried by the national courts"⁸ from the outset. In the absence of any other explanation, OIOS cannot rule out the possibility that the current reductions in numbers of investigations are driven by the completion dates.

C. Planning and monitoring

Completion strategy document

13. The Prosecutor made the first reference to a completion strategy in her November 2001 address to the Security Council. The completion strategy was not supported by a document that outlined a coordinated Tribunal-wide approach or identified the factors that might impact the ability of ICTY and ICTR OTP to achieve the completion dates. Certain elements of the required analysis, such as the reduction and redeployment of OTP staff, were present in the proposed budgets of ICTY and ICTR for the biennium 2004-2005. However, the completion strategy also needs to address issues such as the following:

(a) The necessity for retaining 85 per cent of the staff for trial-related work. OIOS accepted the OTP position that it was not possible to accurately predict the level of investigative resources required to support trial activity. However, after nine years of Tribunal operation, OIOS was of the opinion that it should be possible to estimate and explain the extent of resources required exclusively for trial work. *ICTY OTP commented that this criticism ignored the reality that it was not possible in 2003 to accurately predict the level of investigative support required to support all trial activity (including pre-trial work) after 2004. It was not possible to predict the actual number of trials that would be before the ICTY Chambers, mainly because it was not known how many indicted accused would be surrendered, or how many separate trials would be necessary because of the number of non-arrested fugitives. Additionally, there was some uncertainty as to the number of trials that the OTP would be responsible for trying at any given time, according to the scheduling of cases by the Trial Chamber. It was only in the past year that the number of cases in the court and in the pre-trial stage had been relatively constant. It should be possible in the future, if the number of cases remained the same, to make better estimates. The other problem with estimates was that each case was different. Therefore, until the actual trial workload was determined, it was not possible to estimate the number of staff required to prosecute them. Although it was clear that a reduction of investigator posts would be necessary, it was not possible to predict the actual extent of this reduction in the light of the above uncertain factors. When the actual workload was determined, in the light of the reality after 2004, then and only then would it be possible to determine the actual workload, and make decisions accordingly.* In the opinion of OIOS, given the experience with past trials and taking into account the maximum courtroom capacity, OTP should be able to provide at least an estimate of the investigative resources required for trial purposes for the next biennium. Further, it is also relevant to note that the Advisory Committee on Administrative and Budgetary Questions in its report pointed out that "the process of determining the number of posts to be abolished, redeployed or retained [in OTP] does not appear to be transparent from either the budget document or the supplementary information provided to the Committee, nor is it supported by a thorough analysis of workload indicators".⁹

(b) OTP proposed to give priority to reducing temporary staff. OIOS is of the opinion that as the temporary posts are project-oriented they should be abolished on completion of the project and the regular posts should be reduced on completion of investigations.

(c) As for cases that could be referred to national courts, ICTY had not yet established the criteria for the selection of perpetrators. ICTR was still in the process of seeking alternative national jurisdictions because the 40 cases that could be transferred to local national jurisdiction were precluded from being so transferred because of the prevalence of the death penalty. *ICTY OTP commented that it had sought, in its budget proposal, the creation of a "transition team" that would have the responsibility for preparing cases for transfer to domestic courts in national jurisdictions.*

(d) Although the Registry is responsible for archiving, OTP needs to determine which documents are required to be retained, how they should be retained and the duration of the retention period. The most cost-effective archiving method cannot be determined until a document retention policy has been established.

14. OIOS is of the opinion that the impact on the local economy of closing ICTR should be considered. The ICTR Registrar should identify appropriate United Nations agencies such as the United Nations Development Programme to assess this impact and report the results to the General Assembly.

Steering committees

15. To monitor progress towards the completion dates, steering committees need to be put in place comprising senior representatives of all organs, with a mandate and terms of reference which explain their roles and responsibilities. Both ICTR and ICTY have initiated working groups which partly achieve this objective, and which need strengthening along the lines outlined above.

Planning and performance monitoring

16. To assist the Steering Committees and to provide feedback on progress made in achieving the completion strategy for both Tribunals, OIOS considers that it is important to be able to monitor performance against plan. The Prosecutor conducts regular reviews of ongoing investigations and prosecutions, which in the opinion of OIOS needs strengthening for the Investigations Division:

(a) The Prosecutor had fixed deadlines for the different investigation cases. These were not contained in the 2003 staff work plans and there were no specific timelines, key milestones or performance indicators related to goals or the resources required to achieve them. OIOS believes these are key parameters for planning and performance monitoring.

(b) Some investigation teams measure progress against OTP-prepared annual targets. For effective performance monitoring, all teams should have a common approach to measuring progress, which should include the collection of information on task execution to enable analysis of efficiency and effectiveness.

(c) OTP reduced the number of investigations to be finalized from 25 to 16 in ICTY within a span of two months. ICTY asserted in September 2002 that this was due to inadequate resources, but OIOS was not presented with any documentation explaining what level of resources could have prevented this or the specific reasons for the sudden inadequacy of resources within the two months. Similarly, at ICTR, there was a significant scaling down of the number of proposed indictments from 119 in September 2001 to 26 in May 2003. In the opinion of

OIOS, these indicate the need to improve arrangements for planning and performance monitoring.

17. *ICTY OTP commented that the Prosecutor constantly reviewed the progress of all investigations, to ensure that OTP resources were adequately allocated to cases concerning leaders bearing the greatest responsibilities in the crimes falling within the ICTY jurisdiction. The fact that the numbers changed as a result of a normal review process did not mean that current management information and monitoring techniques needed to be improved. Instead, the change in numbers indicated clearly that OTP was responsive to the allocation and maximization/optimal use of its resources, and to the requests by the Security Council for it to narrow the scope of its completion strategy. It was therefore inaccurate to explain the reduction of the number of targets only by inadequate resources. Additionally, it should be underlined that effective performance-monitoring measures were already implemented in ICTY OTP but, due to the extreme confidentiality of ongoing investigations, written documents thereof were kept to a minimum. OIOS is pleased to note that ICTY OTP has agreed to OIOS recommendation 1 (c) to further develop appropriate planning and monitoring mechanisms.*

18. OIOS noted that OTP was working on the development/enhancement of management tools and computerized systems to improve the quality of case preparation as well as presentation, and to assist management in monitoring the progress of work. According to OTP management, the implementation of the trial presentation software in ICTY had resulted in savings of 20-25 per cent in time spent in court for two trials held in 2003.

D. Information presented by OTP to the Security Council

19. OIOS noted that the number of investigations initiated and to be completed was not presented to the Security Council by OTP in a consistent and unambiguous format. While this can be partly attributed to the nature of investigative work, OIOS is of the opinion that OTP should develop systems to ensure that information is presented to the Security Council in a consistent manner. *ICTY OTP commented that the fact that the numbers changed as a result of a normal review process did not mean that the current monitoring and reporting techniques needed to be improved, or indeed even that they could be improved. OIOS appreciates the ICTY OTP comments and is pleased to note that it has agreed to OIOS recommendation 1 (d) to further develop mechanisms in order to ensure that reports are duly communicated both internally, to the OTP staff, and to the Security Council and the General Assembly.*

III. Human resources management

A. Ability of the Prosecutor to choose her own staff

20. Under the new staff selection system introduced in the United Nations in May 2002, as spelled out in administrative instruction ST/AI/2002/4, the head of a department/office selects a candidate based on a single proposal or list of qualified unranked candidates presented by the programme manager. The ICTR Registry interpreted this as meaning that the Registrar not the Prosecutor was the head of

department/office who would select an OTP candidate. However, articles 15 (3) and 16 (5) of the ICTR and ICTY statutes respectively state that the Secretary-General should appoint OTP staff recommended by the Prosecutor. To resolve the issue the United Nations Office of Human Resources Management sought the advice of the Office of Legal Affairs on behalf of ICTR. The Office of Legal Affairs concluded that "the responsibility and authority assigned to the heads of department/office, as provided in the relevant administrative issuances, in the two Tribunals should be exercised by the Registrars. The staff for the Office of the Prosecutor should be appointed by the Secretary-General upon recommendation of the Prosecutor, as provided for by articles 16 (5) and 15 (3) of the respective statutes." In the opinion of OIOS, this means that the ICTR Registrar, on behalf of the Secretary-General, should appoint only a candidate recommended by the Prosecutor, provided all recruitment procedures had been complied with.

21. At the time of the OIOS review, the new staff selection system had not yet been introduced in ICTY.

B. Delays in recruitment of the ICTR Deputy Prosecutor and the Chief of Prosecution

22. As requested by the General Assembly in its resolution 57/289, OIOS followed up on the reasons for delay in recruitment for the posts of Deputy Prosecutor and of Chief of Prosecution, which had fallen vacant in 2001 and were filled early in 2003. Based on the documents available and statements made by OTP and the Registry staff, the main reasons for the delays in recruitment were:

(a) OTP did not have a good understanding of United Nations recruitment rules and procedures. OTP had initially construed the appointment of the Deputy Prosecutor as a political appointment not requiring a formal vacancy announcement and had searched, unsuccessfully, for an African Deputy Prosecutor to better comprehend the historical perspectives of the genocide. OTP had also attempted to recruit a candidate at the P-3 level to fill the D-1 position.

(b) Delays occurred on the part of OTP in initiating vacancies and on the part of the Registry to re-advertise the post.

(c) The Registrar and the Prosecutor disagreed as to who had the authority to make the final decision for the selection of staff for OTP.

(d) Four vacancy announcements were issued for the post of Chief of Prosecution because no suitable candidate was identified. In the case of the third vacancy announcement, there is a dispute as to whether the candidate satisfied the criteria; this is currently under investigation.

23. To prevent such problems in the future, the Registry and OTP should need to understand and respect their respective roles in human resources management and ensure that OTP staff involved in recruitment are provided with training in how to fulfil their roles in accordance with United Nations regulations and rules.

C. General temporary assistance

24. As of June 2003, OTP had 238 general temporary assistance (GTA) staff in ICTY and 4 GTA staff in ICTR. The use of these staff members was consistent with the rules. However, ICTY OTP had not established criteria to assess its need for GTA staff, for which funds of more than \$10 million were available in the biennium 2002-2003.

D. Use of consultants and individual contractors by ICTR OTP

25. ICTR OTP engaged expert witnesses, nurses and trauma counsellors as consultants and individual contractors. OTP repeatedly informed the Registry that service breaks between contracts for nurses and trauma counsellors impacted its work. To accommodate OTP, the ICTR Registry recruited some individuals initially as consultants and later as contractors for the same assignment in contravention of administrative instruction ST/AI/1999/7, entitled "Consultants and individual contractors". From a sample of 4 out of a total of 20 consultants and individual contractors engaged during the period from January 2000 to June 2003, there was only a single case where the Registry had approached the Office of Human Resources Management for an approval to extend the contract beyond the maximum allowable period of 24 months in any 36-month period. Though the Office of Human Resources Management approved the extension, the Registry did not adhere to the Office's instructions that no further extension should be granted beyond the specified date of 15 December 2001 and to create posts using GTA funds. Those individuals were not appropriately hired as consultants and contractors. The continuing need, and its transient nature, suggest to OIOS that these individuals should be employed as GTA staff as recommended by the Office of Human Resources Management, or alternatively proposals should be made for the establishment of regular posts.

E. Translation of OTP documents

26. At ICTY, to reduce its backlog of document translation in 2002, OTP, in consultation with the ICTY Conference and Language Support Section, hired language support staff using GTA funds. The translations provided were not "certified translations", that is, translations by translators who had passed the United Nations translation examinations. However, the decision speeded up translation (12 pages as compared to 6 pages a day) and resulted in significant cost savings (US\$ 14 as compared to \$81 per page).

27. This change of approach also meant that, as of 8 July 2003, OTP had 116 language support staff, the size of which suggested to OIOS that there was a need for OTP and the Registry to consider whether it was efficient to use OTP resources to manage document translation. In addition, the outputs from 42 staff members were not subject to quality control and the number of pages they translated were not recorded. OTP could not provide justification for not consolidating these staff into one unit for more effective management. *ICTY OTP commented that it had duly noted these comments and was in the process of implementing the recommendations. The management of OTP language support staff was being consolidated to improve the monitoring of the output and the quality of the work produced. The language*

support staff were being integrated into the Documents and Video Indexing Unit so as to ensure appropriate coordination and more effective management of the resources available.

28. At ICTR, as at June 2003, there was a backlog similar to that experienced by ICTY in 2002. In this instance, OTP, in conjunction with the Registry, decided to tackle the backlog differently. OTP prioritized the list of documents pending translation and used the services of the interpreters with the investigation teams in Kigali to perform summary translations and filter irrelevant documents being sent to Arusha for certified translation. The approach has been effective but there has been no consideration of supplementing this approach by considering the ICTY practice of using uncertified translations.

IV. Voluntary contributions and special operations funds

A. Establishment of trust funds

29. A general trust fund for the receipt of voluntary contributions had been properly established for ICTY in 1993 and ICTR in 1994 in accordance with the provisions of Secretary-General's bulletin ST/SGB/188, entitled "Establishment and management of trust funds". The purpose of the trust funds was to support the activities of the Tribunals to enable them to fulfil their mandates.

B. Receipt and recording of funds

30. The United Nations Office of Programme Planning and Budget Accounts accepted and received voluntary contributions, and signed donor agreements, on behalf of ICTR. However, the ICTR Registry did not receive copies of the donor agreements from the Office. Consequently, there were risks that ICTR did not use funds in accordance with the provisions of donor agreements. The Board of Auditors reported such an instance in its report.¹⁰ In 2001, a Government queried the use of its contributions of \$3 million earmarked in 1995 for ICTR OTP. ICTR was unaware of the existence of the agreement and did not comply with the donor's requirements, which stated that the balance of any unused contributions, after all commitments and liabilities had been satisfied, should be reimbursed to the Government unless mutual written agreement was reached on the use of funds. In the opinion of OIOS, ICTR is potentially liable to reimburse the donor Government approximately \$2.5 million of the contribution which was not utilized within the period specified by the agreement. In ICTY, the Registrar receives voluntary contributions and records are kept of donor agreements. No problems were observed.

C. Special operations funds for the Tracking and Intelligence Units

31. In order to provide funds for operating expenses incurred by OTP investigators in the performance of their duties, the ICTY Registry blocked an amount of \$150,000 from the travel budget line in September 2002. OIOS noted that the prior authorization of the Under-Secretary-General for Management for these expenses had not been obtained as per rule 105.3 of the Financial Rules of the United Nations. Further, the arrangement did not provide adequate control or accountability over the

use of the funds. OIOS brought this to the attention of OTP management, who agreed to obtain approval for the deployment of required resources and to finalize the procedures so that accounting and expenditure of resources were in accordance with the United Nations Financial Rules. The ICTR arrangement described in paragraph 32 below is, in the opinion of OIOS, the appropriate funding mechanism for handling this type of expenditure. *ICTY OTP commented that it was currently finalizing new guidelines, largely similar to the ones adopted by ICTR OTP, to ensure appropriate accounting and expenditures of resources.*

32. ICTR OTP had set up a confidential cash fund in 1997 to enable funding of the Investigations Division's Intelligence and Tracking Unit. OIOS reviewed the operation of the fund in 2002 and agreed upon a number of measures with ICTR OTP to improve the operation of the fund in accordance with the financial rules and to improve document management.

V. Information technology management

33. OTP did not have a common approach towards the management of its information technology (IT) as recommended by the General Assembly in its reports entitled "Information technology in the Secretariat: a plan of action" (A/55/780) and "Information and communication technology strategy" (A/57/620) as well as in Secretary-General's bulletin ST/SGB/2001/5, entitled "Information and Communications Technology Board":

(a) **IT committees.** ICTY OTP had recognized that previous attempts to use IT had not been effective, with investigators and trial teams developing their own databases resulting in multiple unconnected databases. In 2002, it established an IT committee comprising OTP senior management staff and the Chief of the Information Technology Services Section. However, ICTR OTP has not established a similar committee to deal with OTP-specific needs.

(b) **IT needs assessment.** The ICTY OTP IT committee conducted an IT needs assessment in 2002, and prepared a comprehensive IT plan in 2003. The plan was a good starting point as it identified an integrated IT solution to its needs. ICTR was not included in this exercise, so that an opportunity for creating synergies was lost. The plan was also not shared with ICTR OTP, which conducted an independent IT needs assessment.

34. OTP had two System Development Units, comprising 22 staff in ICTY and 3 staff in ICTR, at an annual staff cost of approximately \$1 million. This arrangement duplicated functions of the Information Technology Services Section in ICTY and of the Electronic Data Processing Section in ICTR, which were to serve all organs of the Tribunals. This included provision of IT training, helpdesk functions, systems development activities and two sets of servers for OTP and the Registry, respectively. Additional costs arising as a result of this duplication of function in ICTY OTP were estimated to be approximately \$100,000 in 2003.

35. *ICTY OTP commented that it was still working out solutions to its unique problems at The Hague due to the amount of information, evidence and documents in its evidence and judicial databases, which was not comparable with ICTR OTP, and for that matter with other United Nations institutions. Nonetheless, ICTY OTP was currently working towards the integration of its IT with the services provided by*

the ICTY Registry. A working group had been established with the Information Technology Services Section to develop a combined approach, in particular regarding the developers and the training and software support services in OTP with those of the Registry. It should be noted that, when ICTR senior OTP management visited ICTY in The Hague, they were briefed and informed of the actions being taken at The Hague to resolve the unique IT problems. On several occasions in past years, ICTY OTP had sent its IT staff to Arusha and Kigali to assist with ICTR IT needs, and in that process the ICTY had benefited from ICTR practices. In that regard there had been a healthy interchange for many years. OIOS appreciates that there has been exchange of information. However OIOS notes that there has been no concrete action plan to share best practices and lessons learned to implement coherent IT strategies. Further, though there may be certain unique requirements in ICTY, it is undeniable that both ICTY OTP and ICTR OTP have similar operational requirements and can derive synergy.

36. Though ICTR and ICTY will now have separate Prosecutors, OIOS is of the opinion that there are synergies to be gained by both OTPs working closely together in defining their IT needs.

VI. Recommendations

37. OIOS made the following recommendations to improve the management of the Office of the Prosecutor. Management comments on the implementation status of the recommendations are shown in *italics*.

38. *The new Prosecutor of ICTR commented that he had taken note of the observations and recommendations contained in the report and would take the necessary steps to deal with those that required his attention.*

Recommendation 1

39. To arrive at completion dates for their mandates, to monitor their completion and ensure transparency in presenting information to the Security Council and the General Assembly, ICTY OTP and ICTR OTP should work with the respective Chambers and Registry staff to:

(a) Establish dedicated Tribunal-wide steering committees comprising senior representatives, with a mandate and terms of reference that explain their roles and responsibilities for monitoring progress towards the completion dates. This includes planning the completion tasks to be performed; organizing the activities needed to carry out the plans; determining the procedures to be followed; assigning tasks; and addressing staffing issues that may arise;

(b) Produce a Tribunal-wide completion strategy document which identifies the factors that affect the achievement of completion dates and devise strategies to mitigate the impact of these factors;

(c) Improve OTP planning and monitoring mechanisms by identifying targets and other appropriate indicators that can be incorporated into work plans and used for monitoring staff performance;

(d) Establish OTP systems to ensure that accurate, consistent and complete information is presented to the Security Council and the General Assembly.

40. ICTY OTP commented:

(a) **Recommendation 1 (a).** *ICTY OTP is fully committed to liaise with the other ICTY organs and ensure the adequate and efficient planning and monitoring of the completion strategy. To this end, OTP management regularly meets with senior representatives of all organs in the framework of the ICTY Coordination Committee. ICTY OTP also participates weekly in the scheduling committee meetings involving all three ICTY organs, where technical matters pertaining to the planning of judicial activities is discussed. Additionally, it works closely with the Registry in addressing all staffing issues, including those linked to the completion strategy.*

(b) **Recommendation 1 (b).** *OTP has and will continue to collaborate closely with the other ICTY organs, in particular with the President, to ensure that completion strategy documents are regularly drafted with the involvement of all ICTY organs. The Prosecutor will continue to report regularly to the Security Council on the implementation of the completion strategy, as she began to do as early as 2001, and as is now provided for by resolution 1503 (2003).*

(c) **Recommendation 1 (c) and (d).** *The ICTY OTP management is currently developing mechanisms to ensure that appropriate planning and monitoring mechanisms are further developed, so that its completion strategy and reports thereon are duly communicated both internally, to the OTP staff, and to United Nations Headquarters, notably to the Security Council and to the General Assembly.*

Recommendation 2

41. The ICTR Registry should seek assistance from the United Nations Development Programme in identifying a suitable United Nations agency, or other organization, to conduct an assessment of the impact of the closure of the Tribunal on the local economies of Arusha and Kigali and to make the results of the review available to the General Assembly for its consideration on action to minimize the impact of the closure, if any is identified.

Recommendation 3

42. To ensure that suitably qualified staff are recruited for ICTR OTP in a timely manner, the Registry and OTP should agree on their respective roles in human resources management and ensure that OTP staff involved in recruitment are provided with training in how to fulfil their roles in accordance with United Nations regulations and rules. This should include ensuring compliance with advice of the Office of Legal Affairs and article 15 (3)¹¹ of the ICTR statute, that the ICTR Registrar should ensure, on behalf of the Secretary-General, that he only appoints OTP staff recommended by the Prosecutor.

43. *ICTY OTP commented that the Prosecutor strongly supports this recommendation and believes that its implementation would greatly contribute to the improvement of a timely recruitment for OTP.*

Recommendation 4

44. To improve arrangements for the hiring and utilization of temporary staff in accordance with United Nations regulations and rules, and to ensure that their number is kept to the minimum required to support OTP activity:

(a) ICTY OTP should develop criteria and procedures for determining the number of GTA staff required in relation to overall staff requirements;

(b) The ICTR Registry should discontinue the services of ICTR OTP nurses and trauma counsellors currently hired as consultants or individual contractors and employ them as GTA staff as recommended by the Office of Human Resources Management or make proposals for the establishment of regular posts;

(c) ICTR OTP should work with the ICTR Registry to develop criteria and procedures to determine when to hire consultants or contractors and when to use GTA.

45. ICTY OTP commented that it will continue to work in close cooperation with the Registry to develop criteria and procedures for determining the number of GTA staff required in relation to overall staff requirements.

Recommendation 5

46. To ensure that ICTY OTP and ICTR OTP continue to maintain cost-effective solutions to their document translation needs:

(a) ICTY OTP should consolidate its language support staff into one unit and discuss with the Registry how to minimize the use of prosecution resources in the administration, monitoring and quality control of the work of its language support staff;

(b) ICTR OTP should consider the ICTY practice of using uncertified translations.

47. ICTY OTP commented that it is in the process of implementing this recommendation and expects that it will be fully implemented by the end of November 2003. The management of OTP language support staff is being consolidated to improve the monitoring of the output and the quality of the work produced. The language support staff is being integrated into the Documents and Video Indexing Unit so as to ensure appropriate coordination and more effective management of the resources available.

Recommendation 6

48. To ensure that voluntary contributions earmarked for ICTR OTP are used in accordance with donor agreements, the ICTR Registrar should request the Office of Programme Planning and Budget Accounts to provide copies of all documents submitted by donors, which should be shared with OTP.

Recommendation 7

49. To improve accountability of the special funding for investigators, ICTY OTP should request the ICTY Registry to set up a special operations cash fund in line with that established by ICTR OTP.

50. ICTY OTP is in the process of implementing this recommendation. It is finalizing new guidelines pertaining to the special funding for investigations, largely similar to the ones adopted by ICTR OTP, so as to ensure appropriate accounting and expenditures of resources.

Recommendation 8

51. To ensure effective, economic and efficient utilization of IT:

(a) ICTR OTP should (i) establish an IT steering committee with terms of reference which are in line with the requirements of Secretary-General's bulletin ST/SGB/2001/5 and (ii) ensure that this body fosters close ties and exchanges best practices and lessons learned with the ICTY committee;

(b) ICTY OTP and ICTR OTP should review with their respective registries ways to reduce the \$1 million dedicated to the provision of OTP IT support.

52. *ICTY OTP commented that it is in the process of implementing this recommendation and expects that it will be fully implemented by the end of December 2003. It is currently working at furthering the integration of its IT with the services provided by the ICTY Registry. A working group has been established with the Information Technology Services Section to develop a combined approach, in particular regarding the developers and the training and software support services in OTP with those of the Registry.*

(Signed) Dileep Nair

Under-Secretary-General for Internal Oversight Services

Notes

¹ Security Council resolution 1503 (2003).

² See S/2002/678.

³ A/57/163-S/2002/733.

⁴ A/54/634, para. 30.

⁵ A/57/163-S/2002/733, para. 9.

⁶ See A/56/351-S/2001/863.

⁷ A/55/273-S/2000/777, para. 174.

⁸ A/57/379-S/2002/985, para. 207.

⁹ A/58/449, para. 22.

¹⁰ *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 5K (A/57/5/Add.11).*

¹¹ Now article 15 (5).



**General Assembly
Security Council**

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**General Assembly
Fifty-eighth session
Agenda item 30
Question of Cyprus**

**Security Council
Fifty-ninth year**

**Letter dated 9 January 2004 from the Chargé d'affaires a.i. of the
Permanent Mission of Turkey to the United Nations addressed to
the Secretary-General**

I have the honour to transmit herewith a letter dated 8 January 2004, addressed to you by His Excellency Mr. Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(Signed) Altay Cengizer
Chargé d'affaires a.i.
Deputy Permanent Representative



**Annex to the letter dated 9 January 2004 from the Chargé
d'affaires a.i. of the Permanent Mission of Turkey to the
United Nations addressed to the Secretary-General**

With reference to the several statements made by the representatives of the Greek Cypriot Administration during the meetings of the various Committees of the General Assembly at its fifty-eighth session, I wish herein to set the record straight.

Year after year, we have witnessed the appearance of Greek Cypriot officials before United Nations bodies to repeat their well known baseless allegations against Turkey and the Turkish Republic of Northern Cyprus, ignoring the fact that the very title they carry in doing so is an usurped one secured only by violence in December 1963.

None of the resolutions to which references are made in the above-mentioned statements describe the legitimate and justified Turkish intervention of 1974, undertaken in accordance with the Treaty of Guarantee of 1960, as "aggression" or "invasion", or the subsequent presence of Turkish troops in the island as "occupation". Such distortions are purely a Greek Cypriot invention aimed at blurring the issue and confusing the innocent with the guilty. On this point, I would only like to recall the dramatic statement made by Archbishop Makarios, the Greek Cypriot leader at the time, before the Security Council on 19 July 1974, in which he openly accused Greece, not Turkey, of invading and occupying Cyprus. His remarks, which came only four days after the Greek coup of 15 July 1974, are well recorded in the annals of the United Nations and hardly require further elaboration.

What had been going on in Cyprus before the coup, however, is just as, if not more, significant. The years from 1963 to 1974 were a period in which the Greek Cypriots, aided and abetted by Greece practised ethnic cleansing, terrorism and tyranny against the Turkish Cypriots, all in the name of enosis. The atrocities committed by the Greek Cypriots during that period drew comments from the international news media, such as *The Washington Post*, which reported in its issue of 17 February 1964 that "Greek Cypriot fanatics appear bent on a policy of genocide"; from prominent statesmen like George Ball, the United States Under-Secretary of State at the time, who wrote in his memoirs, entitled *The Past Has Another Pattern*, that "Makarios's central interest was to block off Turkish intervention so that he and his Greek Cypriots could go on happily massacring Turkish Cypriots" (p. 64); and from the United Nations Secretary-General himself, who reported to the Security Council on 10 September 1964 that the Turkish Cypriots had been put under "veritable siege" (see S/5950 and Corr.1). The attempt by Greek Cypriot officials to brush aside this 11-year-long ordeal of the Turkish Cypriots is, to say the least, outrageous. It shows their total insincerity and refusal to show any sign of remorse or an attitude conducive to reconciliation.

Turkish Cypriot people are for a new partnership in Cyprus. Bizonality, sovereign equality and the continuation of the 1960 system of Guarantees are the essential ingredients of a viable and lasting settlement. In order to have a realistic chance of arriving at the desired stage, the Turkish Cypriot side must have a negotiating partner who has come to terms with its heavy responsibility in the creation of the Cyprus issue, and who is willing and able to negotiate for a new partnership free of the devious tactics employed hitherto.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(Signed) Reşat Çağlar
Representative
Turkish Republic of Northern Cyprus

**General Assembly
Security Council**

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General Assembly
Fifty-eighth session
Agenda item 37
The situation in the Middle East

Security Council
Fifty-ninth year

**Letter dated 12 January 2004 from the Permanent
Representative of Lebanon to the United Nations addressed
to the Secretary-General**

On instructions from my Government, I transmit to you herewith a list of violations on the ground committed by Israel on 1 January 2004:

- At 12.45 p.m., a group of seven soldiers of the Israeli enemy entered Lebanon from the Shab'a farms, went to the liberated village of Bastarah south of the Halta farm and took up a position at the temporary site of the Indian battalion, where they harassed the local farmers and shepherds. At 2 p.m., they returned to the occupied farms.
- During this time, international emergency force patrols and Lebanese security forces headed towards the point of entry.
- It was established that the enemy force had crossed the barbed wire barrier around the occupied farms sector and had gone to the village of Bastarah, from which the Israeli enemy had withdrawn after being driven out of southern Lebanon in May 2000. This is the first time since the liberation that Israeli forces have penetrated this zone and harassed Lebanese farmers and shepherds.

These repeated, unjustified and inexcusable acts of aggression against the sovereignty of Lebanon confirm Israel's premeditated intention to threaten, endanger and compromise security and stability in order to serve its aggressive expansionist objectives throughout the region.

In drawing your attention to the gravity and potential consequences of these acts of aggression, I request that this letter be circulated as an official document of the General Assembly under agenda item 37 and as a document of the Security Council.

(Signed) Sami **Kronfol**
Ambassador
Permanent Representative





General Assembly

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Fifty-eighth session

Agenda item 128

Administration of justice at the United Nations

Comprehensive report on the activities of the United Nations Administrative Tribunal

Report of the United Nations Administrative Tribunal

Summary

The present report is submitted in response to General Assembly resolution 57/307 of 15 April 2003, in paragraph 23 of which the United Nations Administrative Tribunal was requested to submit a comprehensive report on its activities to the Assembly. The report provides information on the composition, jurisdiction, functioning and work of the Tribunal, including a general overview.



I. Introduction

1. The United Nations Administrative Tribunal (UNAT) was established by the General Assembly in its resolution 351 (IV) of 24 November 1949 as an independent and truly judicial body pronouncing final judgements without appeal within the limited field of its functions. It consists of seven members appointed for a term of four years by the General Assembly, upon the recommendation of the Fifth Committee. The members may be reappointed once. The most recent elections to fill vacancies were held in the General Assembly, on 17 December 2003.
2. The Tribunal is competent to hear and pass judgement upon applications alleging non-observance of contracts of employment of staff members of the Secretariat of the United Nations and such other bodies/organs/agencies that have accepted the competence of the Tribunal or the terms of employment of such staff members. The judgements of the Tribunal are final and binding.

II. Organization of the Tribunal

3. The present composition of the Tribunal is as follows: President: Julio Barboza (Argentina); First Vice-President: Kevin Haugh (Ireland); Second Vice-President: Brigitte Stern (France); members: Omer Yousif Bireedo (Sudan), Spyridon Flogaitis (Greece), Jacqueline Scott (United States of America) and Dayendra Wijewardane (Sri Lanka).
4. On 17 December 2003, the General Assembly reappointed Julio Barboza and appointed Dayendra Wijewardane each for a term of four years beginning on 1 January 2004.
5. On 20 December 2003, the Tribunal elected Mr. Julio Barboza as President, and Kevin Haugh and Brigitte Stern as its First and Second Vice-Presidents, respectively, for a term of one year.
6. The Executive Secretary of the Tribunal is Maritza Struyvenberg.
7. Under article 3 of the Statute, three members designated by the President sit in any particular case (see article 6, paragraph 1, of the Rules of the Tribunal). Either the President or one of the Vice-Presidents shall act as the presiding member. The President may, in addition, designate one or more members of the Tribunal as alternates. However, article 8 of the Statute stipulates that if the three members sitting in any particular case consider that the case raises a significant question of law, they may, at any time before they render judgement, refer the case for consideration by the whole Tribunal. Five members constitute a quorum for such a hearing. The Tribunal has decided that, in such cases, judgement will be rendered by the whole Tribunal.
8. The Tribunal holds two five-week sessions per year, one in the summer and one in the autumn. Plenary meetings for the purpose of election of officers and any other matters affecting the administration or operation of the Tribunal are held during the sessions. Four members of the Tribunal shall constitute a quorum for plenary sessions. Sessions of the Tribunal are convened at dates and places to be set by the President after consultation with the Executive Secretary.

9. Oral proceedings shall be held if the presiding member so decides or if either party so requests and the presiding member agrees (see article 15 of the Rules).

III. Jurisdiction of the Tribunal

10. Under article 2 of the Statute, applications may be filed by staff members of the United Nations Secretariat. Over the years, however, the Tribunal's jurisdiction has been extended to a number of specialized agencies and other bodies and, at present, applications may also be filed by staff of the International Civil Aviation Organization and the International Maritime Organization; International and Area staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East; staff of the Registries of the International Court of Justice, the International Tribunal for the Law of the Sea and the International Seabed Authority; and by any staff of a member organization of the United Nations Joint Staff Pension Fund which has thereby accepted the jurisdiction of the Tribunal in Pension Fund cases. The total number of staff that fall under the Tribunal's jurisdiction exceeds 150,000.

11. The Tribunal is also open to former staff members, any person who has succeeded to a staff member's rights on his or her death, and to any person who can show that he or she is entitled to rights under any contract or terms of appointment, including the provisions of staff regulations and rules upon which the staff member could have relied.

12. Under article 11 of the Statute, the judgements of the Tribunal are final and without appeal, except that, under article 12,

"The Secretary-General or the applicant may apply to the Tribunal for a revision of a judgement on the basis of the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgement was given, unknown to the Tribunal and also to the party claiming revision, always provided that such ignorance was not due to negligence. The application must be made within thirty days of the discovery of the fact and within one year of the date of the judgement. Clerical or arithmetical mistakes in judgements, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Tribunal either of its own motion or on the application of any of the parties."

13. In addition, the Tribunal holds itself competent to consider applications requesting an interpretation of judgement, as it finds that the competence of national and international courts to interpret their own judgements is generally recognized. Attention is drawn in this regard to Judgement No. 61, *Crawford et al.* (1955), citing the advisory opinion of the International Court of Justice of 27 November 1950 in the *Asylum Case*,¹ where the Court laid down the conditions in which it can take action on a request for interpretation.

IV. Functioning of the Tribunal

14. The Tribunal was established by the General Assembly to adjudicate disputes and grievances related to the employment and rights and obligations of staff.

15. The Executive Secretary manages the secretariat. She assists the President in the planning and organizing of the sessions and makes all preparations for the sessions, budgetary or otherwise. The Executive Secretary also maintains the Tribunal's external relations, with Registrars of other Tribunals and the Legal Advisers and/or Executive Heads of the various specialized agencies under the Tribunal's jurisdiction; and, liaises with the Fifth and Sixth Committees of the General Assembly when and where appropriate. The Executive Secretary is assisted by two Legal Officers and two Administrative Assistants.

16. The secretariat of the Tribunal is assisted by the Executive Office of the Office of Legal Affairs in all administrative and budgetary matters.

17. The Tribunal meets in Geneva during the summer sessions and at Headquarters in New York during the autumn sessions. If circumstances require, the President may fix a different place after consultation with the Executive Secretary.

V. Judicial work of the Tribunal

18. The Tribunal renders an average of 60 judgements per year. In 2003, the Tribunal rendered 63 judgements and received 56 new cases. At present, 93 cases remain outstanding. Cases heard by the Tribunal deal with issues such as contract renewals, promotions, job classifications, disability payments and disciplinary matters.

VI. Finances of the Tribunal

19. The secretariat of the Tribunal and its operating expenses are financed from the regular budget. The Tribunal's budget is part of the overall budget of the Office of Legal Affairs.

VII. Overview

20. The process of administration of justice in the United Nations is initiated by a written request to the Secretary-General to review a contested decision (see chapter XI of the Staff Regulations and Rules). In the absence of a response satisfactory to the staff member, he or she may file an appeal with the Joint Appeals Board (JAB). Following its deliberations, the JAB makes a recommendation to the Secretary-General. A staff member may appeal a decision by the Secretary-General to the Administrative Tribunal. In addition, an Applicant may, in cases where the Secretary-General and the Applicant have so agreed, submit a case directly to the Tribunal (see article 7.1 of the Statute).

21. Under Chapter X of the Staff Regulations and Rules, the Secretary-General may seek the advice of the Joint Disciplinary Committee (JDC) before deciding on the appropriate measures to be taken in cases of alleged misconduct. Furthermore, in cases of summary dismissal under staff regulation 10.2, second paragraph, the staff member or former staff member concerned may, within two months of having received written notification of the measure, request that the measure be reviewed by such a committee.

22. In October 2002, the General Assembly decided to establish the United Nations Ombudsman's Office to facilitate conflict resolution, using any appropriate means for the primary objective of settling conflicts between parties, and obviate recourse to the formal grievance process. In addition, a conciliation procedure is provided under staff rule 111.2 (b).

23. The Tribunal is part of a complex, multifaceted internal dispute resolution system and functions as the final authority in employer-employee job-related disputes. Notwithstanding Ombudsman efforts, conciliation procedures, grievance panels, JABs and JDCs, as an integral part of the process, resolution of disputes is not carried out in a timely manner. However, the Tribunal, despite its paucity of resources and a steady stream of new cases, resolutely strives to render its judgements fairly and speedily. At all times, the Tribunal strives to avoid the accumulation of a backlog.

24. At present, the average time for a case to reach the Tribunal ranges from two to three years. To reach its ultimate conclusion it can consume an additional two years. Time is always of the essence in the administration of justice in any legal system. The passage of time renders many remedies of little value and, in far too many instances, of no value at all. For example, the improper discharge of an employee under normal conditions should be remedied by reinstatement with back pay. After a prolonged delay, however, reinstatement becomes impossible or, at the very least, impractical. The axiom "justice delayed is justice denied" remains all too true. The Tribunal may order reinstatement. In reality, the post in question may have disappeared, have been filled, the aggrieved staff member may no longer be fit or available, or — and this happens in the vast majority of cases — the Administration chooses, in the interest of the Organization, to award damages in lieu of reinstatement. The remedy is apparent, but it can only be achieved through simplification of the system and an appropriate increase in funding and staff at all stages of the process. The Tribunal itself has successfully made efforts to speed up its work, albeit without disrupting or compromising its responsibilities, and will continue to do so.

25. Another issue which has been broached on many occasions but as of yet has not been resolved is the matter of Tribunal independence to enhance confidence and trust in the process, on the part of both employees and management. Currently, the Tribunal is dependent on the Office of Legal Affairs for its administration, implementation of its budget, staffing and its physical facilities. However, at the same time, the Office of Legal Affairs represents the Secretary-General, who is the Respondent in most Tribunal cases. The Joint Inspection Unit (JIU), in its report on the administration of justice at the United Nations has proposed the creation of a separate independent department for the settlement and resolution of disputes and the administration of justice, comprising the secretariat of UNAT, the Ombudsman's Office and the secretariats of the JAB and the JDC. Alternatively, proposals have been made to separate UNAT from the Office of Legal Affairs, provide it with an independent budget, a separate location and, presumably, its own executive staff, not unlike the secretariat of the ILO Tribunal. Not only would this indelibly imprint upon UNAT the appearance of independence and impartiality, but it would also preserve its reputation, thereby sustaining confidence in the United Nations judicial process.

26. Another long outstanding issue, often discussed but still unresolved, is the question of the clear disparity of function, power and availability of resources between the UNAT and the Administrative Tribunal of the International Labour Organization (ILOAT). The statutory restrictions imposed upon the decision-making powers of UNAT not only constitutes an impediment to a more just and equitable disposition of grievances, but provides ILO employees, as was pointed out in the JIU report, with a judicial system empowered to provide remedies unavailable to employees of the United Nations.

27. The Tribunal may order rescission of a contested decision or specific performance of a management obligation. However, the Secretary-General is privileged to decide, in the interest of the Organization, to compensate the Applicant in lieu thereof. The amount of compensation is determined by the Tribunal, but generally limited to two years' net base salary. There is little doubt that, for the Tribunal to properly provide just results, there should be no restriction placed on its power to rescind contested management decisions or order specific performance of management obligations, nor any limitation on the amount of compensation the Tribunal may award. ILOAT, on the other hand, is not so encumbered. No limit is imposed on the amount of compensation it may award, nor is organizational interference permitted with its power to enforce legitimate rights and obligations. As the JIU so aptly observed, removal of such restrictions would "establish a genuine system of administration of justice and enhance the credibility of the Tribunal".²

28. With regard to the resources and funding available to ILOAT and to UNAT, the ILO Tribunal is more favourably endowed with respect to both staffing and compensation for members' services. Insufficient staffing at UNAT is an ongoing problem and could create serious disruption in the judicial process if the flow of cases approaches a critical level. Funding has either been skimpy or at times unavailable for the necessary streamlining of research facilities and the compilation of case law for use not only by the judges but also by the litigants or their representatives. A serious backlog in the publication of judgements is another result.

29. The Tribunal is in agreement with the Advisory Committee on Administrative and Budgetary Questions³ that the restriction on the Administrative Tribunal's ability to impose specific performance seriously limits the staff's rights to redress, and that the time has come to consider closing the gap between the statutes of UNAT and the ILO Tribunal. This view is shared by the General Assembly, which took note of the observations of the Advisory Committee on this issue and, in its resolution 55/258 of 14 June 2001, requested the Secretary-General to take necessary measures to "close the gap" as appropriate between the statutes of the two Tribunals. The matter might also be facilitated by the recent amendment to the UNAT Statute adopted by the General Assembly in its resolution 58/87 of 9 December 2003, requiring that members "shall possess judicial or other relevant legal experience in the field of administrative law or its equivalent within the member's national jurisdiction."

30. The Tribunal does not see any great merit in the proposal to merge ILOAT and UNAT, which would require the harmonization of the statutes and working procedures of the two Tribunals, with special emphasis on the procedures for selecting their members, their competencies and jurisdictions as well as their case law. This would present, in addition to financial difficulties, logistical difficulties: for instance, the unified Tribunal would need to have a membership larger than the

membership of either Tribunal, and also a proportionate number of staff members to support its work; the secretariats would have to be merged into a single, much larger-sized secretariat; and a location would have to be agreed upon for sessions to be held. In addition, the Tribunal would be in session for a large part of the year, as the number of cases to be considered would about double.

31. Finally, the Tribunal notes that the judges at the Administrative Tribunal of ILO are compensated by a fee based on the number of cases dealt with annually, while the UNAT members receive only an honorarium of US\$ 1 per year. The Tribunal welcomes proposals by the Secretary-General regarding compensation.

VIII. Conclusion

32. In conclusion, the Tribunal supports the strengthening of the existing system and sees no great merit in radically modifying the system or in creating a new system. In particular, the Tribunal supports the proposals made by the Joint Inspection Unit and the Advisory Committee on Administrative and Budgetary Questions in this regard.

33. The Tribunal would also like to stress the importance of presenting an annual report to the General Assembly, in order to keep the Assembly informed of emerging jurisprudence and of some of the main conflicts that erupt between the Administration and staff members. This would also allow the Tribunal to draw attention to certain administrative practices that need correction. For example, the Tribunal has on several occasions suggested that the Secretary-General consider invoking staff rule 112.3, thereby deciding that the officials who violate staff regulations and administrative instructions should be held personally accountable for the monetary damages occasioned by such violations. The Tribunal has held, in its Judgements No. 358, *Sherif* (1995), and No. 887, *Ludvigsen* (1998), that invoking staff rule 112.3 would deter staff from deliberately flouting the rules and prevent the Organization from having to pay for the intentional violation of the rules by its officials.

34. Finally, the Tribunal would like to draw attention to its recent Judgement No. 1122, *Lopes Braga* (2003), as a result of which the Administration decided to revise its existing guidelines for the application of the staff selection system, as an example of the Tribunal's contribution to the administration of justice in the United Nations.

Notes

¹ *I.C.J. Reports*, 1950, p. 402.

² A/55/57-JIU-REP/2000/1, para. 116.

³ See A/55/514, para. 10.

**General Assembly**

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Fifty-eighth session

Agenda item 32

Question of the Falkland Islands (Malvinas)

**Letter dated 13 January 2004 from the Permanent Representative
of the United Kingdom of Great Britain and Northern Ireland to
the United Nations addressed to the Secretary-General**

In accordance with instructions received from my Government, I have the honour to refer to the letter dated 5 January 2004 from the Permanent Representative of Argentina to the United Nations addressed to you (A/58/671), transmitting in the annex thereto the text of a press release issued on 3 January 2004 by the Government of Argentina on the question of the Falkland Islands.

The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt about the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and South Sandwich Islands and rejects as unfounded the claim by the Government of Argentina to sovereignty over those islands and the surrounding maritime areas and that the Falkland Islands are under illegal occupation by the United Kingdom.

I should be grateful if you would arrange for the text of the present letter to be circulated as a document of the General Assembly, under agenda item 32.

(Signed) Emyr Jones Parry



**General Assembly
Security Council**

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General Assembly
Fifty-eighth session
Agenda items 37 and 156

Security Council
Fifty-ninth year

The situation in the Middle East

Measures to eliminate international terrorism

**Identical letters dated 14 January 2004 from the Chargé
d'affaires a.i. of the Permanent Mission of Israel to the
United Nations addressed to the Secretary-General and
the President of the Security Council**

I am writing in order to draw your attention to the latest terrorist attacks perpetrated against the citizens of Israel.

Today, 14 January 2004, at approximately 9.30 a.m. (local time) a female suicide bomber, and 22-year-old mother of two, perpetrated an attack at the Erez Crossing in the Gaza Strip, killing 4 Israeli citizens and wounding 12 others, including several Palestinians. The Erez Crossing serves as one of the primary entry points for thousands of Palestinians who cross the border to work in Israel. An attack at this junction serves as a direct affront to Israel's concerted humanitarian efforts to allow Palestinians to enter the Crossing, despite ongoing terrorism in the region. It serves as further evidence that Palestinian terrorist groups, which continue to operate, are not only committing horrific acts of brutality, but are enemies, both of the peace process and of the interests of the Palestinian people themselves.

Hamas and Al-Aqsa Martyrs Brigade, the latter affiliated with Yasser Arafat's own Fatah movement, jointly claimed responsibility for the bombing. Vowing to escalate attacks, Hamas founder Sheikh Ahmed Yassin said it used a woman suicide bomber in order to exploit Israeli security procedures, calling the tactic a "new development in resistance against the enemy." In spite of the expressed obligations to fight terrorism and dismantle the terror infrastructure, Palestinian Prime Minister Ahmed Qureia declined to condemn the attack.

Yesterday, 13 January 2004, at approximately 7.30 p.m. (local time) terrorists opened fire on a car, killing Ro'i Arbel, 29, near his home in Talmon. Arbel was a father of five, including triplets born three months ago. Three other passengers were also wounded with moderate injuries when the vehicle was ambushed. The Fatah Al Aqsa Martyrs Brigades later claimed responsibility for the attack.



On 25 December 2003, at approximately 6.30 p.m. (local time) a suicide bomber perpetrated an attack during the busy evening rush hour at the Ge'ha Junction, east of Tel Aviv, near Petah Tikva. The terrorist attack killed four Israeli citizens, Adva Fisher, 20, of Kfar Sava; Noam Leibowitz, 22, of Elkana; Angelina Shcherov, 19, of Kfar Sava; and Rotem Weinberger, 19, of Kfar Sava; and wounded over 20 others. The Popular Front for the Liberation of Palestine, headquartered in Damascus, Syria, and operating from Palestinian Authority-controlled territory, claimed responsibility for the bombing.

As this recent and most brutal wave of terrorism indicates, the ongoing refusal of the Palestinian Authority to take the strategic decision to dismantle terrorist organizations, as it is legally and morally obliged to do, continues to ravage the lives of innocent civilians and endanger efforts to build a new reality for the people of the region.

Israel calls upon the international community to reaffirm its absolute rejection of terrorist tactics, and to accept nothing less than the complete dismantling of terrorist organizations, and relentless efforts to prevent terrorism and bring its perpetrators and supporters to justice, in accordance with international law, the Road Map, signed agreements between the parties, and Security Council resolutions, in particular resolution 1373 (2001).

At a time when so much focus has been placed within the United Nations system including during the fifty-eighth session of the General Assembly on the appropriateness of certain defensive counter-terrorism measures, it is high time that more attention and clear condemnation is addressed at the brutal terrorism that makes such measures necessary. It appears that the Palestinian leadership will continue to violate its most basic legal obligations and support crimes directed against innocent civilians until the international community makes clear, in word and in deed, its fundamental opposition to this bankrupt strategy.

I submit this letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism that began in September 2000, which document the criminal terrorist strategy for which the terrorists and their supporters must be held fully accountable.

I should be grateful if you would arrange to have the text of this letter circulated as a document of the fifty-eighth session of the General Assembly, under agenda items 156 and 37, and of the Security Council.

(Signed) Arye Mekel
Ambassador
Chargé d'affaires a.i.